

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23051 of 2015

Arising Out of PS.Case No. -3381 Year- 2012 Thana -VAISALI COMPLAINT CASE District-
VAISHALI(HAJIPUR)

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Gajendra Rai @ Galendra Rai @ Girendra Rai, son of Ashok Rai Resident
of village Hajpurwa, P.S. Jurawanpur, District Vaishali

.... Petitioner/s

Versus

1. The State of Bihar
2. Meena Devi, So Satan Rai wife of Gajendra Rai @ Galendra Rai
Resident of village Hajpurwa, P.S. Jurawanpur, District Vaishali Presently
residing at village Saidabad P.S. Raghapur District Vaishali

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar

For the Opposite Party/s : Mr. Anuj Kumar Srivastava(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

03/ 06-11-2015

Heard learned counsels for the petitioner and the
State.

The petitioner being the husband of the
complainant is apprehending his arrest in a complaint case wherein
process has been directed to be issued after cognizance being
taken for the offences punishable under Section 498A of the
Indian Penal Code and 3/4 of Dowry Prohibition Act.

The basic accusation is of torture for non-
fulfillment of the dowry demand.

The notices were issued to opposite party no. 2
vide order dated 13.07.2015. The office note dated 04.11.2015

reflects that the ordinary process of notice has been served to the learned counsel for the complainant appearing before the learned court below; none is appearing on behalf of opposite party no. 2. Hence, the notices issued to opposite party no. 2 treated to be deemed service.

The petitioner is present in the Court.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant and is ready to keep the complainant as wife with full dignity and honour. Statement to that effect has been made in paragraph 11 of the petition, which reads as follows:-

“That the petitioner is ready to keep his wife full dignity and honour.”

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for one year in the event of his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Vaishali at Hajipur in connection with Complaint Case No. 3381 of 2012, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Let the learned court below issue notice to the complainant on her appearance the petitioner will take the complainant to keep her as wife with full dignity and honour.

The provisional bail of the petitioner will be confirmed within one year by the learned court below in three eventualities:- (i) on substantial restoration of the matrimonial harmony; (ii) or if the complainant gets reluctant to reconcile the issue; and (iii) or if the complainant fails to appear before the learned court.

(Dinesh Kumar Singh, J)

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