

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12454 of 2015

Arising Out of PS.Case No. -1743 Year- 2013 Thana -SIWAN COMPLAINT CASE District-
SIWAN

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1. Maya Rai Son of Nagina Rai, R/o Village - Pachpakaria, P.S. - G.B. Nagar, District - Siwan.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Channa Devi Wife of Maya Rai, Daughter of Bacha Rai, R/o Village - Pachpakari, a P.S. G.B. Nagar, District -Siwan at present at Village- Kauriya, P.S. Bhagwanpur, District - Siwan.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Tiwary
For the Opposite Party/s : Mr. R.B.Rai Raman(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

2 02-04-2015 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner apprehends his arrest in connection with
Complaint Case No. 1743 of 2013 registered for the offences
punishable under Section 498A of the Indian Penal Code.

Admittedly, petitioner is husband of the complainant.
The complaint petition does not disclose the date of marriage but
at para-7 of the petition, it has specifically been pleaded on behalf
of the petitioner that his marriage was solemnized with the
complainant on 19.05.1981. Furthermore the complaint petition
discloses that in the year 2000 the complainant had filed a case
under section 498A of the Indian Penal Code and $\frac{3}{4}$ of the dowry
prohibition Act against the petitioner and his family members and

in that case petitioner was remanded in judicial custody. However, the aforesaid case was compromised and allegedly complainant again started residing at the house of the petitioner but she is said to have been ousted from the house of the petitioner.

The contention on behalf of the petitioner is that the complainant is a lady of questionable character and as a matter of fact, petitioner filed Divorce case no. 63 of 2013 and after getting information of institution of the Divorced case the complainant has filed this case with false and concocted story.

Considering the aforesaid facts and circumstances as well as submissions of the parties, this anticipatory bail petition is allowed and it is ordered that petitioner, in the event of his arrest/surrender within four weeks from the date of receipt of this order to the court concerned, shall be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Siwan in Complaint Case No. 1743 of 2013, subject to condition as laid down under Section 438(2) of the Cr.P.C.

Namita/-

(Hemant Kumar Srivastava, J)

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