

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12442 of 2015

Arising Out of PS.Case No. -75 Year- 2012 Thana -BHAGALPUR COMPLAINT CASE District-
BHAGALPUR

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1. Ravi Ray S/o - Jai Nandan Ray resident of village - Piparpanti, P.S. -
Nathnagar (Lalmatia), District - Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Nutan Devi D/o - Sri Thakur Mandal, W/o - Ravi Ray resident of Near
Choti Khanjarpur Makbara, P.S. - Barari, District - Bhagalpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar

For the Opposite Party/s : Mr. Jitendra Kumar Rai 1 (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

2 25-03-2015 Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the complainant is apprehending arrest in a complaint case in which processes were directed to be issued after cognizance being taken under Section 498A of the Indian Penal Code.

The basic accusation is of torture for non fulfillment of dowry demands.

On instructions, it is submitted that the petitioner is ready to keep the complainant as wife with full dignity and honour. Statement to the aforesaid effect has been made in paragraph no. 9 of the petition which reads as follows:

“That, the petitioner is always and still ready to keep the complainant with all possible love and comforts.”

Though the matter was referred to the mediation for counseling by the learned court below but the complainant refused to reconcile the issue which gets reflected from paragraph 4 of the impugned order which reads as follows:

“.....Today the report from the centre has been received which shows that though the petitioners were ready to keep the complainant with them but the complainant was not ready to live with them and ultimately the centre returned the matter.”

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 arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM Bhagalpur in connection with Complaint Case No. 75 of 2012 subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned court below issue notice to the complainant and 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 by the learned court below in three eventualities – (i) if the matrimonial harmony is substantially restored or (ii) if the complainant fails to appear before the learned court below or (iii) if the complainant deliberately gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

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