

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.44929 of 2014**

Arising Out of PS.Case No. -1588 Year- 2012 Thana -SIWAN COMPLAINT CASE District-  
SIWAN

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Satyendra Rai S/o Shiv Nath Rai Resident of Village Dehri, P.S.  
Bhagwanpur, District Siwan.

.... .... Petitioner/s

Versus

1. The State of Bihar.
2. Sanju Devi W/o Satyendra Rai, D/o Lal Mohar Rai At present Resident  
of Village Jankinagar, P.S. Basantpur, District Siwan.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Ashok Kumar Varma

For the Opposite Party/s : Mr. J.N. Thakur (App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR  
SINGH**  
ORAL ORDER

03/ 15-04-2015

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  
processes have been directed to be issued after cognizance being  
taken for the offences punishable under Section 498A of the  
Indian Penal Code.

The basic accusation is of torture.

Notices were issued to the complainant-opposite  
party no. 2 vide order dated 18.12.2014 on submission of learned  
counsel for the petitioner that the petitioner is ready to keep the



complainant as wife with full dignity and honour. Statement to that effect has been made in para 14 of the petition, which reads as follows:- **“That, the petitioner is still ready to take back his wife (Opposite Party No. 2) with his daughter with full love, care honour and dignity to the best of his capacity. It is stated that the Opposite Party No. 2 was also ready to live together with the petitioner but due to intervention of her relatives she refused to come back on flimsy grounds.”**

The marriage between the petitioner and the complainant having no issue is admitted fact.

It is submitted by learned counsel for the petitioner that the petitioner has not performed second marriage.

It appears from the office note dated 13.04.2015 that the ordinary process of notice was served on learned counsel for the complainant appearing on behalf of the complainant before the learned court below, but none is appearing on behalf of the complainant.

Considering the present stand of the petitioner no useful purpose will be served in keeping the present application pending, 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 Judicial Magistrate, Ist Class, Siwan in connection with Complaint Case No. 1588 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)**

DKS/-

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