

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44053 of 2016

Arising Out of PS.Case No. -1539 Year- 2013 Thana -GAYA COMPLAINT CASE District- GAYA

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1. VISHWAJEET KUMAR RAUT @ BISHWAJEET KUMAR RAUT Son
of Late Krishna Ram Resident of Vishnupur Pakri, Gas Godown, Sipara,
Sipara, P.O. Pakri, P.S. Beur, District-Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. Jyoti Kumari D/o Anil Kumar Raut, W/o Vishwajeet Kumar Raut
Resident of Vishnupur Pakri, Gas Godown, Sipara, Sipara, P.O. Pakri, P.S.
Beur, District-Patna at Present resident of Marshaling Yard, Quarter No.
223/A, P.O. R.S. Gaya P.S. Delha, District-Gaya

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Shekhar, Advocate

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

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

2 06-10-2016 Heard learned counsel for the petitioner and the
State.

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

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

It is submitted by the learned counsel for the petitioner that petitioner admits his marriage with the



complainant. From the impugned order dated 03.06.2016, passed by learned Sessions Judge, Gaya vide A.B.P. No. 1476 of 2016, as contained in Annexure-2 reflects that the petitioner was granted provisional bail on readiness to keep the complainant with full dignity and honour, but subsequently, when the complainant was again deserted ultimately the anticipatory bail of the petitioner was rejected vide order dated 18.07.2016, since at the final stage of hearing of the bail application the petitioner refused to keep the complainant.

It is submitted by the learned counsel for the petitioner that petitioner is now ready to keep the complainant as wife with full dignity and honour. Statement to that effect has been made in para-13 of the petition which reads as follows:-

“That, moreover the petitioner is ready to keep his wife complainant with full honour and dignity and learned Sessions Judge has committed errors of record in giving the finding that the petitioner refused to keep her. However on earlier occasion the petitioner had granted privilege of provisional vide order dated 03.06.2016 passed by the learned Sessions Judge, Gaya in A.B.P. No. 1476 of 2016.”

It is further submitted that petitioner has filed Matrimonial Suit No. 707 of 2009 for restitution of conjugal life.

Considering the fact that in pursuant to the order

dated 03.06.2016, whereby petitioner was granted provisional bail by learned Sessions Judge, Gaya and bail bonds on behalf of the petitioner were executed, hence he came in deemed custody of the court. In the circumstances, anticipatory bail to the petitioner is not maintainable.

But, keeping in view of the present stand of the petitioner, it is a case for consideration of prayer for bail by the learned court below if the petitioner surrenders before the learned court below within a period of six weeks from today in connection with Complaint Case No. 1539 of 2013, pending in the court of learned Sub-Divisional Judicial Magistrate, Gaya.

With the above observation this application is disposed of.

(Dinesh Kumar Singh, J)

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