

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11474 of 2016

Arising Out of PS.Case No. -719 Year- 2007 Thana -NALANDA COMPLAINT CASE District-
NALANDA (BIHARSHARIFF)

=====

1. Tunu Yadav S/o Late Mathura Yadav Resident of Village - Karai -
Parsurai, Police Station - Karai - Parsurai, District - Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Rakha Devi W/o Tunu Yadav Resident of Village - Karai - Parsurai,
Police Station - Karai - Parsurai, District - Nalanda. At present Rekha
Devi, D/o Raj Nandan Yadav, R/o village - Sartha - Manpur, P.S. -
Chandi, District - Nalanda.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sunil Prasad

For the Opposite Party/s : Mr. A.Dayal (App)

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

4 11-08-2016

The petitioner being husband of the complainant is apprehending his arrest in a complaint case wherein processes were directed to be issued after cognizance being taken for the offences punishable under Sections 323, 498A of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

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

It is submitted by learned counsel for the petitioner that petitioner admits his marriage with the complainant but the complainant has performed second marriage with one Suku Yadav and she is living with him with two children. The petitioner is still ready to keep the complainant as wife with full dignity and honour. A statement

to that effect has been made in para 9 of the petition which reads as follows:-

“That the petitioner is ready to keep the complainant(O.P. No. 2) with full dignity and honour.....”

The notices were issued to the O.P. No. 2 vide order dated 09.03.2016. The office note dated 22.07.2016 reflects that ordinary process of notice has been received by the brother of the O.P. No. 2. Hence, vide order dated 25.07.2016 the notices issued to O.P. No. 2 were treated to be a deemed valid service. Today also none is appearing on behalf of O.P. No. 2.

Considering the fact that complaint case was filed in 2007, this Court is not inclined to grant privilege of anticipatory bail. However, considering the present stand of the petitioner and the fact that complainant chose not to appear despite valid service of notice, it is a case for consideration of prayer for regular bail, if the petitioner surrenders within a period of six weeks in connection with Complaint Case No. 719C of 2007, pending in the Court of learned Sub-Divisional Judicial Magistrate, Hilsa, Nalanda.

With the observations above, the application stands disposed of.

(Dinesh Kumar Singh, J)

Shageer/-

U		T	
---	--	---	--