

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22299 of 2016

Arising Out of PS.Case No. -2612 Year- 2013 Thana -SARAN COMPLAINT CASE District-
SARAN

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1. Raj Kumar Rai S/o late Jugal Rai R/o Vill- Vijay Rai, Ka tola, PS
Revilganj, District Saran at Chapra.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Radhika Devi W/o Raj Kumar Rai, D/o Sunder Rai R/o Vill Daultganj,
South of Chairman 's house PS Bhagwan, Bazar, District Saran at
Chapra.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nawal Kishore Singh
For the Opposite Party/s : Mr. Anita Kumari (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 03-10-2016 Heard learned counsels for the petitioner,
complainant and the State.

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 Section 498A of the Indian Penal Code and Section 3 of the Dowry Prohibition Act.

The petitioner and the complainant are present in the Court.

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

It is submitted by learned counsel for the

petitioner on instruction that petitioner admits his marriage with the complainant and birth of a male child. The petitioner is ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in para 8 of the petition which reads as follows:-

“That the petitioner being husband of the complainant wants to keep the complainant with full dignity and honour but she herself does not want to live together at her matrimonial house.”

It is submitted by learned counsel for the complainant that complainant is ready to accept the offer of the petitioner but she is apprehensive due to the past conduct of the petitioner.

Both sides agree to appear before learned Court below on 24th of October, 2016, when the petitioner will take the complainant to her matrimonial house to keep her as wife with full dignity and honour.

Considering the aforesaid stand of the parties, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on provisional anticipatory bail for six months on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Saran at Chapra in connection with Complaint Case No. 2612

of 2013, Trial No. 2569 of 2015.

The provisional anticipatory bail of the petitioner will be confirmed by the learned Court below in three eventualities (i) On substantial restoration of the matrimonial harmony within a period of six months (ii) If the complainant fails to appear before learned Court below (iii) If the complainant is reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

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