

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18713 of 2016

Arising Out of PS.Case No. -2396 Year- 2015 Thana -PATNA COMPLAINT CASE District-
PATNA

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Rajiv Kumar, son of Shri Baliram Singh, resident of Mohalla-Nayatola(Madhavpur), Post Office and Police Station-Bakhtiyarpur, District-Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. Smt. Anuradha, wife of Rajiv Kumar(Daughter of Shri Ramjee Singh), resident of Mohalla-Dhananjay Colony, Gandhi Nagar, Post Office and Police Station-Hanuman Nagar, District-Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mahasweta Chatterjee

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 29-04-2016

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 Section 498A of the Indian Penal Code and Section 34 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 and ready to keep the complainant with dignity and honour. A statement to that effect has been made in para 11 of the petition. The relevant portion of which reads as follows:-

“That the petitioner is

very much willing to live with her wife and she

has refused to live with him as husband and wife.....”

It is further submitted that petitioner has filed Matrimonial Suit No. 229 of 2015 for the restitution of the conjugal life. However, learned counsel for the petitioner does not deny the contentions of the counsel for the complainant that only summons have been issued.

Considering the present stand of the petitioner, the matrimonial suit filed for restitution of the conjugal life much prior to filing of the present complaint and the fact that petitioner is employed in Railways, let learned Court below consider the prayer for regular bail of the petitioner keeping in view of the ratio laid down in the case of **Salim Ansare @ Md. Salim Ansare and Others Vs. The State of Bihar & Another reported in 2015(3) PLJR, 806(Cr. Misc. No. 51075 of 2014)**, if the petitioner surrenders within a period of six weeks in connection with Complaint Case No. 2396(C) of 2015, pending in the Court of learned Sub-Divisional Judicial Magistrate, Patna.

It is expected from learned Court below to dispose of the regular bail application of the petitioner preferably on the same day.

With the observations above, the application stands disposed off.

(Dinesh Kumar Singh, J)

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