

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51110 of 2015

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1. Rajeev Ranjan Shandilya, S/o Late Bal Krishna Pd. Singh resident of Village- Khorampur, P.S. Matihani, Dist- Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Guddi Devi, W/o Rajeev Ranjan Shandilya, D/o Late Mahendra Choudhary, resident of Villag Bhagwanpur Barheta, P.S. Kalyanpur, Dist- Samastipur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shailendra Kumar, Advocate

For the Opposite Party/s : Mr. Shailendra Kr.Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 30-06-2016 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 Sections 313, 323, 352, 379, 406, 498A of the Indian Penal Code.

The basic accusation is of torture, getting the pregnancy terminated and performing second marriage.

It is submitted by the learned counsel for the petitioner that petitioner admits the marriage with the complainant and he is still ready to keep the complainant as wife with due dignity and honour. Statement to that effect has

been made in para- 11 of the petition which reads as follows:-

“That the petitioner is ready to keep the complainant with full honour and dignity.”

A supplementary affidavit has been filed that the petitioner has not performed second marriage. Statement to that effect has been made in para-3 of the supplementary affidavit which reads as follows:-

“That in fact the petitioner at no point of time has married with any girl and he is living with his mother when the opposite party no. 2 fled away from the house of the petitioner without giving any information.”

It is further submitted that there is no medical documents on record with regard to termination of pregnancy.

Notices were issued to opposite party no. 2 vide order dated 04.11.2015. The service report dated 02.01.2016 reflects that notices were served on the learned counsel for opposite party no. 2 appearing before the learned court below. Hence, the notice issued to opposite party no. 2 is deemed to be validly served.

The matter was adjourned on 29.03.2016 and 05.05.2016 due to non appearance of learned counsel for opposite party no. 2. Today, none is appearing on behalf of opposite party no. 2.

Considering the present stand of the petitioner that he is ready to keep the complainant as wife with full dignity

and honour, let the above named petitioner be released on anticipatory bail 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 Chief Judicial Magistrate, Samastipur in connection with Complaint Case No. 1449 of 2013, subject to conditions as laid down under Section 438(2) of the Indian Penal Code.

The present order will not preclude the complainant to resume the conjugal life, if such application is filed before the learned court below on behalf of the complainant, the petitioner will be obliged to comply the undertaking given before the Court.

(Dinesh Kumar Singh, J)

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