

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.14739 of 2016**

Arising Out of PS.Case No. -1451 Year- 2014 Thana -MUZFFARPUR COMPLAINT CASE  
District- MUZAFFARPUR

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Raju Ram

.... .... Petitioner/s

Versus

State of Bihar & Anr

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Bhavesh Kumar

For the Opposite Party/s : Mr. Nagendra Pd.(App)

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

5 29-08-2016

Heard learned counsels for the petitioner and the State.

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

The basic accusation is of torture for non-fulfillment of the dowry demand. Though, it is also alleged that the petitioner has performed second marriage.

The petitioner and complainant are present in the Court.

It is submitted by the learned counsel for the petitioner that the petitioner admits his marriage with the complainant, though he also admits performance of second marriage but in spite of that he is ready to keep the complainant as wife with full

dignity and honour, statement to that effect has been made in para 10 of the petition which reads as follows:-

*“That the petitioner had thereafter also solemnized second marriage but is still ready to keep O.P. No.2 with full honour and dignity but the offer made by the petitioner has been turned down by O.P. No.2 on the aforesaid pretext.”*

It is further submitted that the complainant had also performed second marriage.

It is submitted by the learned counsel for the complainant that the complainant denies the factum of performing second marriage. It is further submitted that since the petitioner has performed second marriage, the complainant is not inclined to accept the offer of the petitioner, though, the complainant is ready for resolution of issue in terms of payment of one time settlement.

Considering the present stand of the parties, let the above named petitioner be released on provisional anticipatory bail for four months in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, East Muzaffarpur in connection with Complaint Case No. 1451 of 2014, subject to the conditions as laid down under Section

438(2) Cr.P.C.

In the meantime, learned court below will make an effort to get the issue reconciled in terms of payment of one time settlement for which the petitioner is ready. The learned court below will confirm the provisional bail of the petitioner if the issue is reconciled between the parties in terms of payment of one time settlement but if the issue is not resolved in terms of payment of one time settlement then the petitioner will surrender and pray for regular bail.

**(Dinesh Kumar Singh, J)**

Amrendra/-

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