

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1984 of 2016

Arising Out of PS.Case No. -153 Year- 2014 Thana -PATNA COMPLAINT CASE District-
PATNA

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Rakesh Sao @ Rakesh Kumar S/o Krishna Sao, resident of Vill- Dhandhar
Bigha, P.O.- Sorangpur, P.S.- Jehanabad, Distt- Jehanabad

.... Petitioner/s

Versus

1. The State of Bihar
2. Chanda Devi, W/o Rakesh Kumar, D/o Late Suresh Sao, resident of
Vill- Dhandhar Bigha, P.O.- Sorangpur, P.S.- Jehanabad, Distt-
Jehanabad, at present residing at Moh- West More, Masaurhi, Dipak
Kumar irana Store, P.O./P.S.- Masaurhi, Distt- Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar

For the Opposite Party/s : Mr. Amit Kumar Rakesh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

04/ 01-08-2016

Heard learned counsels for the petitioner and the
State.

The petitioner being the husband of the
complainant is apprehending his arrest in a complaint case
wherein processes have been directed to be issued after
cognizance being taken for the offences punishable under
Section 498A of the Indian Penal Code.

The basic accusation is of torture.

It is submitted by learned counsel for the
petitioner that the petitioner admits his marriage with the
complainant and birth of two children. It is further submitted
that the petitioner filed matrimonial suit for restitution of

conjugal right but in spite of service of notice complainant chose not to appear when the matrimonial suit has been decreed ex-parte. The petitioner is still ready to keep the complainant as wife with full dignity and honour. Statement to that effect has been made in paragraph 8 of the petition, which reads as follows:-



“That, the petitioner is still ready to keep his wife with full respect and dignity. Her both children are still living with this petitioner in good condition. The complainant without informing the petitioner and her in-laws went to her maik, leaving behind her two children aged about four and five years respectively.”

It is further submitted that the complainant has performed second marriage. Statement to that effect has been made in paragraph 12 of the petition, which reads as follows:-

“That, the petitioner comes to know from the maik of the complainant that the complainant has solemnized her remarriage with some other person of different village. That’s why she has got no interest in the instant case. No pairvi of this case is being done by the pairvikar of the complainant. It shows that only with intention to harass the petitioner, the instant case is being lodged against the petitioner and his family members.”

This Court vide order dated 13.01.2016 issued notice to the complainant-opposite party no. 2 when the

ordinary process of notices were received by the grand mother of opposite party no. 2 while service report of registered cover of notices issued to opposite party no. 2 suggests that opposite party no. 2 refused to accept the notice. In the circumstances, this Court vide order dated 10.05.2016 treated the same as deemed valid service.

None is appearing on behalf of complainant-opposite party no. 2.

Considering the stand of the petitioner of keeping the complainant with dignity and honour and the conduct of the complainant, who chose not to appear before this Court, 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 bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Masaurhi in connection with Complaint Case No. 153(C) of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J.)

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