

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17618 of 2015

Arising Out of PS.Case No. -3512 Year- 2014 Thana -VAISALI COMPLAINT CASE District-
VAISHALI(HAJIPUR)

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Chandan Kumar Rai @ Chandan Rai Son of Ram Udgar Rai resident of
village - Bakhtaur Ganj, P.S. Goraul, District - Vaishali

.... Petitioner/s

Versus

1. The State of Bihar
2. Shakuntala Devi Wife of Chandan Kumar Rai, Daughter of
Permashwar Rai village - Tersia, P.S. Ganga Bridge, District - Vaishali

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Smt. Anuradha Singh

For the Opposite Party/s : Mr. Manish Kumar-Ii(App)

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

08/ 22-02-2016

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 filed
with accusation under Sections 498A, 494/34 of the Indian
penal Code and 3/4 of Dowry Prohibition Act wherein
processes have been directed to be issued after cognizance
being taken.

The basic accusation is of torture for non-
fulfillment of the dowry demand and performing second
marriage.

It is submitted by learned counsel for the

petitioner that the petitioner admits his marriage with the complainant and is ready to keep the complainant as wife with full dignity and honour. Statement to that effect has been made in paragraph 13 of the petition, which reads as follows:-

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

It is further submitted that the petitioner has not performed second. Though, statement to that effect has not been made in the petition. The petitioner filed Matrimonial Suit No. 263 of 2014 on 14.10.2014 and thereafter the present complaint was filed on 22.11.2014. Though the complainant resumed conjugal life during the pendency of the present application but again she has deserted the petitioner.

It is submitted by learned counsel for the complainant at present he has no instruction from the complainant but admits that during pendency of this application she resumed conjugal life.

Considering the fact that the matrimonial case was lodged at earlier point of time by the petitioner and the present stand of the petitioner, 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, Vaishali at Hajipur in connection with Complaint Case No. 3512 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The bail bonds of the petitioner shall be accepted by the learned court below on filing affidavit to the extent that the petitioner has not performed second marriage.

The grant of bail to the petitioner will not preclude the complainant to resume conjugal life. If the complainant files such an application before the learned court below then the petitioner will be obliged to comply the undertaking given before this Court.

(Dinesh Kumar Singh, J.)

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