

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38086 of 2016

Arising Out of Complaint Case No. -1520 Year- 2015 Thana -SITAMARHI COMPLAINT CASE
District- SITAMARHI

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Raj Kumar Rai S/o Jaishankar Rai

.... Petitioner/s

Versus

1. The State of Bihar
2. Rekha Devi W/o Raj Kumar Rai

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Sri S. Ehteshamuddin, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 01-09-2016

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 being taken for the offences punishable under Section 498A of the Indian Penal Code.

Basic accusation is of torture.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the complainant and he is ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in para 10 of the petition which reads as follows:-

"That the petitioner undertakes that he is ready to keep his wife with full dignity and care."

It is further submitted that similar was the stand of the



petitioner before the learned Court below, but the complainant, in spite of being noticed, failed to appear and under that circumstances the learned Sessions Judge directed the Court below to release the petitioner on anticipatory bail for six months, if he surrenders along with his wife, within a period of four weeks along with affidavit that he will keep his wife with full dignity and care. The provisional bail was to be confirmed by the learned Court below, in the event, if the matrimonial harmony is substantially restored or, if the matrimonial harmony could not be restored due to the latched on the part of the complainant. Learned counsel for the petitioner further submits that since the complainant did not agree to accompany with the petitioner to the Court, hence, the petitioner could not surrender.

Keeping in view of the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for six 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, Sitamarhi, in connection with Complaint Case No.C-1/1520/2015, subject to the conditions as laid down under

Section 438(2) Cr.P.C.

Let the learned court below issue notice to the complainant for her appearance. On her appearance, the petitioner will take the complainant to keep her as wife with full dignity and honour.

The provisional bail of the petitioner will be confirmed by learned court below in three eventualities (i) if the matrimonial harmony is substantially restored (ii) if the complainant fails to appear before the learned court below or (iii) if the complainant gets reluctant to reconcile the issue.

Ashwini/-

(Dinesh Kumar Singh, J)

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