

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23707 of 2016

Arising Out of PS.Case No. -2640 Year- 2014 Thana -COMPLAINT CASE District- ARRARIA

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1. Dhirendra Rishideo son of Shivnarayan Rishideo, Resident of Village-
Jhiruwa Madulatta Lal Tola, P.s. RAniganj, District Araraia.

.... Petitioner/s

Versus

1. The State of Bihar
2. Anuj Devi W/O Dhirrendra Rishideo, D/O Chhatthu Rishideo, Resident
of Village- Farhi Tamagan P.S. -Narpatganj, District-Araria.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gopal Kumar Jha

For the Opposite Party/s : Mr. Gulnar Begum (App)

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

6 04-02-2017 Heard learned counsels for the petitioner and the State.

However, none appears for the complainant.

The petitioner is apprehending arrest in a complaint case
in which process has been directed to be issued after cognizance
being taken for the offences punishable under Sections 498A of
the Indian Penal Code.

The basic accusation is of subsequent demand of rupees
twenty five thousand and motorcycle and infliction of torture.

It is submitted by the learned counsel for the petitioner
that the petitioner admits his marriage with the complainant and
birth of two children. It is the complainant who deserted the
petitioner. The father of the petitioner filed Complaint Case No.



820C of 2014 against the complainant and her family members on 1.4.2014 with accusation under sections 323,447,448,504,379,380,498/34 and 120B IPC and thereafter the present complaint was filed on 29.8.2014 as retaliatory measure. It is further submitted that subsequent to filing of the present complaint, the complainant has married with one Anil Rishideo, son of Kalanand Rishideo. Statement to that effect has been made in paragraph 8 of the petition which reads as follows:

“That the Complainant has married one Anil Rishideo S/o Kalanand Rishideo, Resident of village – Lali Tola, Ward No.1 Madhulatta, P.S. Raniganj, District-Araria after instituting the Complaint Case No. 2640 of 2014 and now living with him as his wife.”

It is further submitted that the two children are also residing with the petitioner.

This court, vide order dated 23.6.2016, issued notice to the complainant. The office note dated 3.10.2016 reflects that the notice issued to O.P. No. 2 under ordinary process was effected through house service, hence notice issued to O.P. No. 2 was treated to be a deemed valid service vide order dated 4.10.2016. Thereafter, the matter was adjourned on 5.12.2016 when none appeared for the O.P. No. 2. Today also, none is appearing on



behalf of O.P. No. 2.

Considering the fact that in spite of valid service of notice the complainant chose not to appear or to controvert the statement made by the petitioner in paragraph 8 of the petition that the complainant has performed second marriage with Anil Rishideo, let the above named petitioner be released on anticipatory bail 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 Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Araria in connection with Complaint Case No. 2640C of 2014 subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

Anil/-

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