

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42185 of 2016

Arising Out of Complaint Case No. -4204 Year- 2015 Thana -VAISALI COMPLAINT CASE
District- VAISHALI (HAJIPUR)

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Ram Babu Rai, son of Vakil Rai, resident of village Kusde, P.S. Lalganj,
Distt. Vaishali

.... Petitioner/s

Versus

1. The State of Bihar
2. Bibha Devi, wife of Ram Babu Rai, daughter of Yogendra Rai,
presently residing at village Sahmiyan Rohua, P.S. Bhagwanpur, Distt.
Vaishali.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mahendra Thakur, Advocate.

For the Opposite Party/s : Mr. Ram Bachan Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

6 20-01-2017

Heard learned counsel for the petitioner and the State.

The petitioner who is the husband of the Complainant seeks anticipatory bail in a case instituted for the offence under Sections 323, 324, 379, 406, 498(A) of the Indian Penal Code and Sections 3/4 of Dowry Prohibition Act.

The allegation against the petitioner is of committing torture to the complainant for non-fulfillment of demand of dowry.

Notices were sent to the opposite party No. 2 but she did not appear even after valid service of notice.

It has been submitted on behalf of the petitioner that he is always ready to keep his wife with full honour and dignity.



Considering the aforesaid facts and circumstances of the case, the petitioner is directed to surrender before the court below and make prayer for regular bail along with an affidavit that he will keep his wife with full honour and dignity and in that event, the court below will enlarge the petitioner on provisional bail for a period of six months and issue notice to the complainant and try to reconcile the matter between the parties by calling them in court every month. If the court below succeeds in restoring conjugal relationship between husband and wife or the conjugal rights could not be restored on account of indifferent attitude of the wife or the wife does not appear before the court below even after issuance of notice, the provisional bail granted to the petitioner shall be confirmed.

It is made clear that in the event the court below finds that wife makes complaint against the husband of committing mental and physical torture with her during period of reconciliation or the court is satisfied that the husband is not keeping her properly and also that after appearance in the court, the wife is ready to go with her husband but the husband is not ready to take her, the court below will be at liberty to pass appropriate order in accordance with law and also would be at liberty to cancel the provisional bail granted to the petitioner



without taking into consideration the aforesaid observations of this Court.

With aforesaid observations, the application is disposed off.

(Sanjay Priya, J)

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