

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.585 of 2018

Arising Out of PS. Case No.-1064 Year-2013 Thana- VAISALI COMPLAINT CASE
District- Vaishali

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Ram Pravesh Rai, S/o Rajendra Rai, R/o Village- Gopalpur, Jirwara, P.S.-
Mahua, Dist- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Savita Devi, W/o Rampravesh Rai, R/o Village- Gopalpur, Jirwara, P.S.-
Mahua, Dist- Vaishali. at present D/o Pathal Rai, R/o Vill- Yusufpur, Bhusahi,
P.S.- Lalganj, Dist- Vaishali.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh

For the Opposite Party/s : Mr. Sri Sanjay Kumar Tiwary 1

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

10 03-12-2018

Heard Mr. Sunil Kumar Singh, learned counsel for
the petitioner, Mr. Anish Chandra, learned counsel for the
complainant-opposite party no. 2 and Mr. J.N. Thakur, learned
APP for 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 Sections 323, 379, 494, 498A of the
Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act
preferred the present Cr. Misc. application.

On submission made on behalf of the petitioner that
the petitioner admits his marriage with the complainant and has



not performed second marriage and moreover, the petitioner is ready to keep the complainant as wife with full dignity and honour, notices were issued to the complainant-opposite party no. 2 vide order dated 02.07.2018. The petitioner and the complainant are present in the Court.

The prosecution case as per the Complaint Case No.1064 of 2013 is to the effect that the marriage between the petitioner and the complainant was performed on 27.04.2008, but subsequent to the marriage further dowry demand of a motorcycle was made but due to the non-fulfillment of the subsequent dowry demand, the petitioner and other in-laws family members tortured and assaulted the complainant and threatened to perform second marriage. Subsequently, on 18.02.2012, the petitioner performed second marriage and ultimately on 04.04.2013, the complainant was driven out from the matrimonial house, leading to filing of the present complaint petition.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant and he has not performed second marriage. However, with regard to denial of second marriage, no statement has been made in the petition.



Today a joint petition has been filed to the effect that the petitioner and the complainant both have decided to part ways on payment of Rs.1,00,000/- for which a bank draft has been prepared issued by United Bank of India bearing Draft No. 499299 dated 30.11.2018. It is further submitted that both have decided to file an application under Section 13 of the Hindu Marriage Act for getting the marriage dissolved with consent before learned Principal Judge, Family Court, Hajipur, but statement to that effect has not been made in the petition and they also decided to file appropriate application with regard to present stand in the present complaint case.

Learned counsel for the complainant-opposite party no. 2 submits that in view of the resolution of the dispute, the complainant is not opposing the prayer for anticipatory bail of the petitioner.

Learned counsel for the petitioner hands over the draft to the counsel for the complainant who hands over the same to the complainant. It is expected from the learned counsel for the complainant to make endorsement to that effect on record.

Considering the present stand of the parties, 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



bonds 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. 1064 of 2013, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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