

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36132 of 2018

Arising Out of PS. Case No.-11 Year-2016 Thana- NALANDA COMPLAINT CASE
District- Nalanda

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Bhola Sao S/o Kamleshwar Sao, Resident of Village- Ghoshrawan, P.S.-
Silao, District- Nalanda.

... .. Petitioner.

Versus

1. The State of Bihar
2. Khushbu Devi, W/o Bhola Sao, Resident of Village – Ghoshrawan, P.S. -
Silao, District – Nalanda, at present D/o Sri Surendra Sao, Resident of Village
– Kako Bigha, P.S. - Deep Nagar, District – Nalanda.

... .. Opposite Parties.

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Appearance :

For the Petitioner/s : Mr. Anil Kumar No.1
For the Opposite Party/s : Mr. Sri Arun Kumar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

06/ 22-11-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The opposite party no.2-complainant was noticed vide order dated 28.06.2018 through ordinary process as well as registered cover. The office note date 13.09.2018 reflects that notices issued to O.P. No. 2 through ordinary process as well as registered cover were received by her father. Supplementary affidavit being filed with regard to jointness of opposite party no. 2 with her father and vide order dated 06.10.2018 the service of notice issued to O.P. No. 2 was treated deemed valid service. Vide order dated 06.10.2018 when none appeared on behalf of opposite party no. 2, the matter was posted for today,



i.e., 22.11.2018, as a last indulgence. Today also none appears on behalf of opposite party no. 2.

The petitioner, being the husband of the complainant, is apprehending his arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offence punishable under Section 498A of the Indian Penal Code.

The prosecution case as per the complainant is that she was married with the petitioner, Bhola Sao, in the year, 2015, but, subsequently, she was tortured for further dowry demand of Rs. Two lacs and for non-fulfillment of the same, she was ousted from the matrimonial house on 05.11.2016.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant and he is ready to keep the complainant as wife with full dignity and honour, statement to that effect has been made in paragraph no. 6 of the petition, which reads as follows.

“That the petitioner is the husband of complainant and is ready to keep his wife with full honour and dignity

Considering the fact that since the marriage between the petitioner and complainant is admitted and the petitioner is ready to keep the complainant as wife with full dignity and



honour, but the complainant in spite of valid service of notice failed to appear and controvert the contention 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 bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda in connection with Complaint Case No. 11C of 2016, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

However, if the complainant so desires, and is ready to resume the conjugal life, she may file application before the learned Court below when the petitioner will be obliged to take the complainant to her matrimonial house to keep her as wife with full dignity and honour.

(Dinesh Kumar Singh, J)

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