

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12650 of 2019

Arising Out of PS. Case No.-1171 Year-2017 Thana- SITAMARHI COMPLAINT CASE
District- Sitamarhi

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Jaylal Rai @ Jailal Rai Son of Chandeshwar Rai Resident of Village -
Amghatta, P.S. and District - Sitamarhi

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sunita Devi, Wife of Jaylal Rai, D/O- Nathuni Rai At present Address,
Village - Amghatta, P.S. and District - Sitamarhi

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar
For the Opposite Party/s : Mr.Pradeep Narain Kumar

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 20-08-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Petitioner apprehends his arrest in connection with
Complaint Case No.1171 of 2017 for the offence punishable
under Sections 323, 341, 504, 498(A) of the Indian Penal Code
in which cognizance under Section 498 (A) has been taken.

The allegation against the petitioner as per the
statement made in complaint by Opposite Party No.2 is that
marriage of the informant was solemnized with the petitioner on
25.05.2014 and she had gone to sasural where after some time,
the informant was being tortured by the petitioner as well as by
the other family members for dowry.

Learned counsel further submits that the notice was



issued to Opposite Party No.2 but despite service of notice on Opposite Party No.2, no one has appeared.

Learned counsel also submits that petitioner is ready to keep the informant as his wife with all care and dignity. But it appears that complainant is not ready to live with the petitioner. Learned counsel further submits that petitioner as well as informant both are handicapped and the allegation against the petitioner is omnibus and general in nature.

After having heard learned counsel for the petitioner as well as learned counsel appearing on behalf of the State and taking into consideration the fact that the petitioner is willing to keep the complainant, i.e., Opposite Party No.2 as his wife and further the allegation against the petitioner is general and omnibus in nature of demand of dowry and despite service of notice on Opposite Party No.2, she chose not to appear before this Court, as such, I am inclined to grant anticipatory bail to the petitioner.

Accordingly, the petitioner, above named, is directed to surrender before the learned Court below within a period of four weeks from today and in the event of surrender by him, he shall be released on anticipatory bail by the Court below upon furnishing bail bond of Rs.10,000/- (Ten thousand) with two



sureties of the like amount each to the satisfaction of learned
S.D.J.M., Sadar, Sitamarhi, subject to the condition as
mentioned under Section 438 (2) of Cr.P.C.

(Anil Kumar Sinha, J)

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