

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15231 of 2019

Arising Out of PS. Case No.-1662 Year-2013 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

Uma Shankar Ray @ Uma Shankar Son of Yogindra Ray Resident of Village-
Parsa, P.S.- Garkha, District- Saran

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Veena Devi Wife of Uma Shankar Ray R/o Village and P.O. and P.S.-
Sarairanjan, District- Samastipur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raja Ram Mishra, Advocate

For the Opposite Party/s : Mr. Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

8 13-09-2019 Heard learned counsel for the petitioner and learned
APP representing the State.

The petitioner apprehends his arrest in connection with Complaint Case No. 1662 of 2013, in which cognizance under Section 498(A) of the Indian Penal Code has been taken against the petitioner.

The allegation against the petitioner, as per complaint lodged by O.P. No.2 i.e. wife of the petitioner, is that marriage of the complainant/O.P. No.2 was solemnized with the petitioner on 08.07.2008, in which cash and jewelry was given to the petitioner. It has further been alleged that soon after the marriage the brother of the complainant had come to take the



complainant from her matrimonial home, then the family members of the petitioner abused her brother and demanded Rs. 50,000/- and one motorcycle as dowry. It has further been alleged that out of wedlock, one girl child was born and on the birth of girl child, the family members of the petitioner tortured the complainant. It has also been alleged that due to non-fulfillment of demand of dowry the petitioner and his family members assaulted the complainant physically as well as mentally and also ousted the complainant from her matrimonial home on 13.08.2012.

Learned counsel for the petitioner submits that the petitioner is ready to keep complainant / O.P. No.2 as his wife with full care, dignity and honour. He further submits that the allegation against the petitioner and his family members is general and omnibus in nature. He also submits that this Court referred this matter for mediation to explore the possibility of amicable settlement between the parties, but during course of entire mediation proceedings, O.P. No.2 i.e. complainant did not appear before the learned Mediator, as it would be evident from the report of the learned Mediator dated 19.08.2019.

After having heard learned counsel for the parties and taking into consideration the fact that the petitioner is ready and



willing to keep the complainant/O.P. No.2 as his wife and it appears that the complainant/O.P. No.2 is not willing to get the matter resolved, today when the matter is being taken up, nobody appears on behalf of complainant/O.P. No.2 and also on the last occasion on 09.09.2018, nobody had appeared on behalf of complainant/O.P. No.2, I am inclined to grant anticipatory bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, abovenamed, in the event of arrest or surrender before the court below within a period of four weeks from today, be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-VI, Samastipur in connection with Complaint Case No.1662 of 2013; subject to condition as laid down hereinabove and under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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