

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54658 of 2018

Arising Out of PS. Case No.-130 Year-2017 Thana- COMPLAINT CASE District- Banka

Sikandar Rai, Son of late Kailash Rai, Resident of Village- Chihar, P.S. Barahat, District- Banka.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. Priyanka Devi, Wife of Sikandar Rai, D/o Prabhu Rai, Resident of Village- Bhalua, P.S. Amarpur, District Banka.

... .. Opposite Party/s

Appearance :

For the Petitioner/s :

For the Opposite Party/s :

For the State : Sri. Ajay Kumar-1, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 18-01-2019 Neither learned counsel for the petitioner is present nor learned counsel representing the Opposite Party No. 2 has appeared.

Sri. Ajay Kumar-1, learned APP for the State is present.

This application has been preferred seeking anticipatory bail in connection with Complaint Case No. 130 of 2017 registered for the offences punishable under Sections 323, 498 (A), 379 and 504 of the Indian Penal Code and under Section 4 of the Dowry Prohibition Act.

It appears on perusal of the application that the petitioner has denied demand of dowry and the alleged torture. It



is stated that the complainant has herself started living in her Maiké after leaving her Sasural and she has settled down at her Maiké. The petitioner has filed a Matrimonial Case No. 18 of 2017 in the Court of Principal Judge, Family Court, Banka under Section 9 of the Hindu Marriage Act for restitution of conjugal right. It is also stated that the petitioner is ready to keep and live peacefully with the complainant and to maintain her with full dignity and respect.

Learned A.P.P. for the State is present and has opposed the prayer for bail.

In the given facts and circumstances of the case, in case of arrest or surrender of the petitioner within a period of four weeks from today, the abovenamed petitioner is directed to be enlarged on bail on furnishing bail bond of Rs.15,000/- (rupees fifteen thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M-IV, Banka in connection with Complaint Case No. 130 of 2017, subject to the condition that petitioner shall join the investigation by reporting to the Investigating Officer within a period of two weeks from today and shall cooperate in course of investigation, failing which the Investigating Officer shall be at liberty to take steps for cancellation of his bail bond. This will be in addition to



condition prescribed under Section 438(2) of the Cr.P.C and further condition that within eight weeks from today the petitioner shall visit the Maik of the O.P. No. 2 to bring her back to the matrimonial home. He will inform this to the O.P. No. 2 at least two weeks prior to his visit and the fact that he is going to bring back O.P. No. 2 to the matrimonial home shall also be informed to the jurisdictional police station within which the O.P. No. 2 resides. It will be open for the O.P. No. 2 to either go with the petitioner or not to go, the Officer-in-Charge of the concerned police station shall record the development which would take place in course of visit of the petitioner to the Maik of O.P. No. 2 and the same shall be informed to the learned Court below.

The application is disposed of.

(Rajeev Ranjan Prasad, J)

R.R.Ojha/-

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