

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.75185 of 2018

Arising Out of PS. Case No.-1016 Year-2016 Thana- SARAN COMPLAINT CASE District-
Saran

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Mahesh Rai, S/o Late Raghunath Rai, Resident of Village- Goha, P.S.-
Isuwapur, District- Saran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anurag Saurav
For the Respondent/s : Mr. Ajeet Kumar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 15-01-2019 Learned counsel for the petitioner is permitted to
make necessary correction in paragraph no.1 of the petition.

Heard learned counsels for the petitioner and 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
offence punishable under Section 498A of the Indian Penal
Code.

The prosecution case as per the complaint petition is
that the marriage between the complainant and the petitioner
was performed twenty years prior to lodging of the present case.
Subsequently, they were blessed with one female child.



Thereafter, torture has been inflicted upon the complainant.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the complainant and birth of a female child and is ready to keep the complainant as wife with full dignity and honour, statement to that effect has been made in paragraph no.7 of the petition which reads as follows:-

“7. That it is relevant to state here that petitioner is the husband and is ready to keep his wife (complainant) with full honour and dignity and is also ready to arrange marriage ceremony of his daughter at his level best.”

It is further submitted that similar was the stand of the petitioner before the learned Court below which gets reflected from the impugned order itself.

Considering that present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for six months 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 **A.C.J.M.-VI, Saran at Chapra** in connection with **Complaint Case No. 1016 of 2016**, subject to the conditions as laid down under Section 438(2) Cr. P.C.

Let the learned Court below issue notice to the



complainant for her appearance. On her appearance, the petitioner will take the complainant to keep her as wife with full dignity and honour.

The provisional bail of the petitioner will be confirmed by the learned Court below in three eventualities (i) if the matrimonial harmony is substantially restored, or (ii) if the complainant fails to appear before the learned Court below, or (iii) if the complainant gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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