

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19672 of 2020

Arising Out of PS. Case No.-74 Year-2019 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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GANESH KUMAR RAI, Son of Baiju Rai, Resident of Village- Harpur
rewari Tola Khairban Ward no. -13, P.S.- Belsand, District- Samastipur.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Manti Devi, W/o- Ganesh Kumar Rai, Resident of Village- Harpur Rewari
Tola Khairban, P.S.- Belsand, District- Samastipur. At present Daughter of
Ram Chandra Rai, Resident of Village- Samasipur Lodiya, P.S.-
Bachhwara, District- Begusarai.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar No.1, Adv.
For the Opposite Party/s : Mr. Md. Anbzarul Haque Sahara, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 07-07-2020 Since the physical Court is not functional due to the

present pandemic, Covid-19, the matter has been listed with

defects.

Learned counsel for the petitioner undertakes to
remove the defects within a period of three weeks on
resumption of physical court proceeding.

In case of non-removal of the defects within the
undertaken period, the office will place the matter before the
bench.

The matter has been taken up through virtual Court
proceeding.



Heard learned counsel for the petitioner and learned APP for the State.

The petitioner, being the husband of the informant, is apprehending arrest in a case registered for the offences punishable under Sections 498A of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

The prosecution case as per the complaint petition is to the effect that the marriage of the complainant was performed with the petitioner on 07.06.2007. Subsequently, further dowry demand of Rupees Two Lacs was made and due to non-fulfillment of the same, torture was inflicted upon the complainant. Ultimately, on 17.02.2019, the complainant has been driven out from the matrimonial house.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the informant and he is ready to keep the informant as wife with full dignity and honour. A statement to that effect has been made in para 9 of the petition which reads as follows:-

“That the petitioner is still ready to keep her with full prestige and dignity and will try to maintain her”

Learned APP for the State submits that the thrust of accusation is against the petitioner, being the husband of the



informant.

Considering the present stand of the petitioner as quoted above, let the petitioner above named be released on anticipatory bail for the present provisionally for a period of six months, in the event of arrest or surrender before the learned Court below from today, on furnishing one surety to the satisfaction of the learned SDJM, Dalsingsarai, in connection with C.R. No. 74 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

However, in view of the present pandemic, COVID-19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy of his Aadhar Card, to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties, including one surety given at the time of provisional bail, of the like amount each to the satisfaction of the learned SDJM, Dalsingsarai, in connection with C.R. No. 74 of 2019

Let the learned Court below issue notice to the



informant 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 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)

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