

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71686 of 2019

Arising Out of PS. Case No.-364 Year-2019 Thana- DANAPUR District- Patna

RAGHUBAR RAI, aged about 24 years, Gender-Male, Son of Jay Bhorik Rai, Resident of Village - Jhakari Mahadeo, Danapur, P.S.- Danapur, Distt – Patna.

... .. Petitioner

Versus

1. The State of Bihar.
2. Priyanka Devi, wife of Raghubar Rai, Daughter of Sri Surendra Rai, resident of village- Badal Tola, Haldi Chapra, P.S.- Maner, District- Patna.

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Dewendra Narayan Singh, Advocate
For the State	:	Mr. Awadhesh Kumar Singh, APP
For the Opp. Party No.2	:	Mr. Shyameshwar Kr. Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

6 29-11-2021 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Danapur P.S. Case No. 364 of 2019 for the offence punishable under Sections 341, 323, 504, 506, 498-A/34 of the Indian Penal Code and under Section 3/4 of the Dowry Prohibition Act.

The parties have not been able to settle their dispute. It is being submitted by the petitioner that he is still ready to keep opposite party no.2 as his wife.

Opposite party no.2 has filed a counter affidavit, wherein he has stated that the petitioner has remarried with another girl and therefore, there is no chance of the opposite party no.2 to live in her matrimonial house.



In these circumstances, both the parties pray that this anticipatory bail application be heard and decided on merits.

It has also been submitted by opposite party no.2 that she has filed a case for maintenance vide Maintenance Case No. 437(M) of 2019 which is pending in the Court of learned Principal Judge, Family Court, Patna. It is further submitted by opposite party no.2 that the petitioner is avoiding appearance in the said maintenance case and because of the maintenance case is not proceeding further.

Allegation against the petitioner is of demand of dowry and torture, which is being denied by the petitioner.

Learned counsel for the opposite party no.2 has submitted that the petitioner has remarried, in this circumstance, this anticipatory bail application may be dismissed by this Court.

In my opinion, there are allegations and counter allegations made by both the parties against each other, which cannot be verified in the present proceeding. This issue can only be verified in a criminal trial. In such a situation, this application is allowed.

Let the petitioner, above named, in the event of his arrest/surrender within four weeks from today in the Court



below, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, 1st, Danapur, Patna, in connection with Danapur P.S. Case No. 364 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Since learned counsel for the petitioner is appearing in this case and he has now knowledge about the pendency of the maintenance case, he is directed to appear in the Court of learned Principal Judge, Family Court, Patna, on 06.12.2021. On that day, the Principal Judge, Family Court, Patna, shall fix a date for hearing of the parties and on that date both the parties will appear through their counsels and thereafter the maintenance case, as aforesaid, will proceed. The Principal Judge, Family Court, Patna, or in his absence Additional Principal Judge, Family Court, Patna, is directed to decide the maintenance case by 15.03.2022. The maintenance case shall proceed even if the petitioner does not cooperate in the proceeding and if need arise, it will be decided exparte.

The Principal Judge, Family Court, Patna, is directed to inform this Court about the conclusion of the maintenance case, as directed above, as and when it is decided.



Let this order be communicated to the Principal
Judge, Family Court, Patna, through FAX or e-mail.

With the aforesaid observations and directions, this
bail application is allowed.

(Sandeep Kumar, J)

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