

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35674 of 2020

Arising Out of PS. Case No.-1404 Year-2017 Thana- VAISALI COMPLAINT CASE
District- Vaishali

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Ramesh Rai @ Ramesh Kumar Rai S/o Siyacharan Rai Resident of Village-Tetarpur, P.S.-Mohiuddi Nagar, District-Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Putul Devi W/o Ramesh Rai @ Ramesh Kumar Rai, D/o Ram Surat Rai Resident of Village-Tetarpur, P.S.-Mohiuddi Nagar, District-Samastipur. At present-resident of village-Basauli, P.S.-Rajapakar, District-Vaishali.

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Anuj Kumar, Advocate
For the State	:	Mrs. Sucheta Yadav, APP
For Opp. Party No.2	:	Mr. Satya Prakash Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

8 07-02-2022 The matter is being heard through video conferencing due to circumstances prevailing on account of Covid-19 pandemic.

Heard learned counsel for the petitioner, learned APP for the State as well as learned counsel for the opposite party no.2.

The petitioner apprehends his arrest in connection with Complaint Case No.1404 of 2017 for offences under Sections 498A/34 of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

In this proceeding both the parties are making



allegations and counter allegations against each other.

It has been submitted by learned counsel for the petitioner that the opposite party no.2 has remarried with one Awdhesh Kumar. He has taken to this Court to paragraph 10 of the anticipatory bail application and also Annexure-3 which is the marriage document of opposite party no.2 and the same has not been denied. In fact, it has been accepted by opposite party no.2 that she has remarried and now she wants her ornaments and jewelry given in the marriage.

This Court cannot be an agent of opposite party no.2 for recovery of ornaments and other items given in the marriage when she has accepted the fact that she has remarried without seeking divorce. When the opposite party no.2 has no respect for law and she wants to use this proceeding only for recovery of the ornaments and other items, this cannot be permitted.

Considering the aforesaid facts, this application for anticipatory bail is allowed.

Accordingly, let petitioner, above-named, in the event of his arrest or surrender within ten weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate,



Vaishali at Hajipur in connection with Complaint Case No.1404
of 2017, subject to the conditions as laid down under Section
438(2) of the Cr.P.C.

(Sandeep Kumar, J)

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