

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32370 of 2015

Arising Out of PS.Case No. -317 Year- 2014 Thana -NALANDA COMPLAINT CASE District-
NALANDA (BIHARSHARIFF)

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Ranjeet Kumar, son of Shivnandan Prasad @ Shivan Mahto, resident of
village Shrichandpur, P.S. Harnaut, District Nalanda.

.... Petitioner/s

Versus

1. State of Bihar
2. Susarita Kumari, wife of Ranjeet Kumar, daughter of Late Raghunandan Prasad, resident of village – Joganbigha, P.S. Belchi, District Patna. Presently residing at Mohalla- Raza Bazar, P.S. Shastri Nagar, District – Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jagjit Roshan

For the Opposite Party/s : Mr. Shailendra Kumar-Ii(App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 24-08-2015 Heard learned counsel for the petitioner and learned
counsel for the Complainant.

The petitioner apprehends his arrest in Complainant
Case No. 317 (c) of 2014 registered for the offences punishable
under Sections 498(A), 323, and 504 of the Indian Penal Code and
Section 3/4 of the Dowry Prohibition Act.

By order dated 20.08.2015, this Court had directed that
the petitioner, the complainant (opposite party no. 2) alongwith
her daughter appear in the Court so that the matter may be
resolved amicably.

Today, petitioner, namely, Ranjit Kumar, Complainant,
namely, Susarita Kumari alongwith her daughter, Neha Kumari

appeared before this Court.

I have had occasion to interact with them individually as well as collectively. So far as the petitioner is concerned, it appears that in support of his stand her brother Mukesh Kumar has come, who has vouched for the integrity and good behavior of the petitioner. Mukesh Kumar (brother-in-law of the petitioner) on being queried, as to whether he had enquired from his sister Susarita Kumari as to what was the reason behind the dispute between her and her husband, Ranjit Kumar, he answered that he does not know anything about the same nor he asked her about torture. The petitioner, on the other hand, contends that there has been no incident of any violent act or Marpit having been inflicted on his wife. Though, she has consistently stated that right from the time of marriage, he was not inclined towards her and had been inflicting various acts of both mental as well as physical torture which resulted in her leaving matrimonial home periodically. Lastly, when the matter was placed before the Family Court, Patna, petitioner failed to appear on three consecutive dates. Consequently, the attempt of reconciliation failed and the complainant alongwith her daughter is still living away from the petitioner. It is clear that till date they have not received any maintenance from any Court. It appears that maintenance case

bearing Maintenance Case No. 239M of 2011 is pending before the Family Court, Patna.

So far as the daughter of the petitioner is concerned, her story is indeed pathetic. She has stated before this Court that right from her childhood days, she has seen her mother being continually assaulted by her father, as a result of which she had to leave her father home alongwith her mother. She has stated that at times she lives with her maternal grand mother and at times in hope of reconciliation her mother has taken her back to her paternal home. Thus, she has grown up in an atmosphere of uncertainty and insecurity when she went back to her father On all such occasions the exercise has been proved to be in futility and they have been thrown out resulting in much mental trauma to her. Eventually, they have come to Patna where her mother has taken various menial jobs to meet her daily needs. She is currently studying in Krishna Niketan in Class – X and is likely to appear in the CBSE Class – X examination to be held from the month of February- March 2015.

Considering the fact that there appears to irretrievable breakdown and there is hardly any scope of reconciliation between the petitioner and the complainant on account of various acts of torture meted out to her, this Court feels that it would be



appropriate in the interest of justice to secure the future of the child so that her career is not jeopardized in any manner and she is able to sustain in her study at this crucial stage in her life. On being accosted by this Court as to what arrangements has been made for the welfare of his daughter, the petitioner submits that he is all along ready to meet her needs but the complainant has taken her away and still as on today, the petitioner is ready to meet whatever requirements his daughter Neha Kumari needed, so that she can complete her education and for her proper welfare, he is ready to pay Rs. 4,000/- per month so as to facilitate her study.

Considering the fact that the petitioner is ready to pay Rs. 4000/-, this Court directs the petitioner to deposit the said amount in the account of Neha Kumari, who will utilize the same for her education and other personal needs according to her convenience.

Considering the bona fide offer made by the petitioner and also the fact that the petitioner is ready to deposit Rs. 4,000/- each month beginning including the month of August 2015 and onwards till Neha Kumari completes her education, let the petitioner above named, in the event of his arrest or surrender before the court below within a period of two weeks from the date of receipt/production of a copy of this order, is/are directed to be

enlarged on bail on furnishing bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Nalanda, Bihar Sharif in connection with Complaint Case No. 317 (c) of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

However, it is made clear that in case the said amount is not deposited at regular interval and remains unpaid for two consecutive months it shall be open for the complainant or even her daughter, namely, Neha Kumari to move this Court for appropriate orders including praying for cancellation of the order passed today.

Jagdish/-

(Anjana Mishra, J)

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