

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.37766 of 2014**

Arising Out of PS.Case No. -1027 Year- 2013 Thana -ROHTAS COMPLAINT CASE District-  
SASARAM (ROHTAS)

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Dinesh Kumar Singh, son of Sri Satya Narayan Singh, resident of village  
Karpurwa, P.O. Sasaram, P.S. Sasaram (Darigaon), Rohtas

.... Petitioner

Versus

1. The State of Bihar
  2. Anju Devi, d/o Sri Rajeshwar Singh, resident of Mohalla Khilanganj,  
P.O. Sasaram, P.S. Sasaram (T), district Rohtas .... Opposite Parties
- =====

**Appearance :**

For the Petitioner : Mr. Rajani Kant Singh  
For the Sate : Mr. Ganesh Prasad Singh (App)  
For the opposite party no.2 : Mr. Subhash Kumar, Advocate

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**CORAM: HONOURABLE MR. JUSTICE GOPAL PRASAD**  
**ORAL ORDER**

4      24-04-2015                      Heard the learned counsel for the  
petitioner, the complainant and the State.

This is a petition for grant of anticipatory  
bail for offence under Sections 498A of the Penal  
Code and 4 of the Dowry Prohibition Act.

The learned counsel for the petitioner  
submits that the petitioner has filed a suit for  
dissolution of the marriage in which he is paying  
maintenance worth Rs.700/- per month, as fixed. It  
is submitted that up-to-date maintenance is being  
paid by the petitioner and after the institution of the  
suit this case has been filed alleging that there is  
allegation of demand and subjecting cruelty. The  
learned counsel for the complainant submits that the  
complainant has the right of residence and she may  
be permitted to live in the matrimonial home along

with the petitioner.

Having regard to the facts and circumstances of the case, the Domestic Violence Act gives a right to the victim-wife to have the right of residence, which can be implemented in any proceeding, even under Section 498A of the Penal Code, hence, if the complainant files a petition for right of residence in the trial Court, the trial Court shall pass the order within fifteen days from the date of it's filing giving the opportunity to the petitioner on the said petition.

Hence, having regard to the facts and circumstances of the case, the petitioner, above named, in the event of his arrest or surrender, within four weeks from the date of receipt of this order, is directed to be released on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Complaint Case No. 1027 of 2013 to the satisfaction of the Subdivisional Judicial Magistrate, Rohtas at Sasaram.

**(Gopal Prasad, J)**

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