

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20308 of 2015

Arising Out of PS.Case No. -21 Year- 2014 Thana -MAHILA P.S. District- MADHEPURA

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Pintu Kumar Yadav, Son of Sadanand Yadav, Resident of village -
Kaurihar, P.S. - Gamharia, District - Madhepura

.... Petitioner/s

Versus

1. The State of Bihar.
2. Kiran Devi, W/O Pintu Kumar Yadav, D/O Shiv Narayan Yadav, R/O Village-Thalha, P.S.- Raghobpur, Distt.-Supaul.
3. Khushbu Kumari, D/O Late Madhusudan Yadav, resident of Village-Luxminiya, P.S.-Gamhariya, District-Madhepura.

.... Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Praveen Kumar Agrawal, Advocate
For the State	:	Mr. Mukesh Kr.Singh(APP)
For O.P. No.2	:	Mr. Shailendra Kumar Singh, Advocate
For O.P. No.3	:	Mr. Dinesh Prasad Verma, Advocate
		Mr. Rohit Kumar, Advocate

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 29-09-2015 Heard learned counsel for the petitioner and learned

counsel for Opposite Party No.2 as well as learned counsel

appearing on behalf of Opposite Party No.3, who has been

impleaded later.

The petitioner, Opposite Party Nos.2 and 3 are all
present in Chambers today.

After much deliberations, it has emerged that the
marriage of petitioner Pintu Kumar Yadav took place under
some unusual circumstances. The petitioner submits that while
he was very young without the knowledge of his parents, he was

taken away by the family members of O.P. No.2 and married to Kiran Devi (O.P. No.2) and thereafter under the threat and coercion, he continued to live with her. However, later on she went back to her maternal home where she delivered a baby girl child.

Learned counsel for O.P. No.2, however, denies the statements made by the petitioner stating that it is an utter falsity. O.P. No.2, on interaction, submits that she was married in usual manner to the petitioner after paying much dowry i.e., to the tune of Rs.8,00,000/- (Eight lacs). However, this Court after making inquiries about their financial condition feels that such a demand could not have been met by O.P. No.2 or her family.

Khushbu Kumari (O.P. No.3) submits that she married the petitioner under the belief that he was not married. The parents of Khushbu Kumari also submits that there is a good relation between Pintu Kumar Yadav and their daughter Khushbu Kumari but till recently they had no knowledge that he was, in fact, a married man. This fact came to their knowledge only when the brother of Kiran Devi visited her residence and accosted them as to how they had married their daughter Khushbu Kumari to Pintu Kumar Yadav as he had married to

her sister.

The mother of Khushbu Kumari submits that the brother of Kiran Devi has warned her not to let her daughter live with the petitioner as he was married to his sister and if she continues to do so, she would meet with dire consequences.

Considering the peculiar facts and circumstances of the case and that the petitioner is virtually living in fear of his wife Kiran Devi (O.P. No.2) and her family members, though legally married, and that O.P.No.3-Khushbu Kumari has categorically stated that she is not willing to live with Kiran Devi as she is particularly belligerent towards the petitioner and herself, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of three weeks from the date of receipt/production of a copy of this order, 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 Chief Judicial Magistrate, Madhepura, in connection with Madhepura Mahila P.S. Case No.21 of 2014, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Since there is also a baby girl child, who has to be taken care of, it is directed that the petitioner shall pay a sum of

Rs.1500/- (Fifteen hundred) per month towards sustenance of the child till Kiran Devi (O.P. No.2) files or obtains an order of interim maintenance.

Let the aforesaid amount be deposited in the Account Number of O.P. No.2 and/or in the court below by the 10th of each month; beginning October, 2015. If the petitioner fails to deposit the aforesaid amount for continuous period of two months, it shall be open to O.P.No.2 to take appropriate legal recourse.

This Court, however, makes it clear that it has not expressed any opinion on the rights of the respective wives and it shall be open to each of them to take appropriate legal recourse in accordance with law.

(Anjana Mishra, J)

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