

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13154 of 2016

Arising Out of PS.Case No. -25802 Year- 2014 Thana -PATNA COMPLAINT CASE District-
PATNA

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1. Rajeev Tripathi son of Sri Prem Narayan Tripathi, Resident of Mohalla-
Charkhambha Gali, P.S.- Town Thana Ara, District- Bhojpur (Ara).

.... Petitioner/s

Versus

1. The State of Bihar.
2. Rachna Kumari alias Rachna Tripathi wife of Sri Rajeev Tripathi and
Daughter of Sri Ram Dubey, Resident of Mohalla- Bhikhna Pahari, Pakki
Bari, P.S.- Pirbahore, District- Patna (Bihar).

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Dr. Chandra Shekhar Azad
For the Opposite Party/s : Mr. Raj Ballabh Singh(App)
For the Informant : Mr. Sanjay Singh, Advocate

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**
ORAL ORDER

10 28-03-2017 Heard learned counsels for the petitioner and the State.

The petitioner being husband of the informant while
languishing in custody since 26.2.2016, had preferred the present
application for bail in a complaint case wherein process has been
directed to be issued after cognizance being taken for the offences
punishable under sections 498A, 323, 406, 494 and 504 of the
Indian Penal Code.

The basic accusation is of torture and performance of
second marriage.

On submission of learned counsel for the petitioner that
the petitioner admits his marriage with the complainant and denial



of the performance of second marriage, the petitioner was granted provisional bail vide order dated 18.3.2016 for four months allowing the parties to make effort to reconcile the issue.

It is submitted by learned counsel for the petitioner that the petitioner has not performed second marriage and is ready to keep the complainant as wife with dignity and honour. Statement to that effect has been made in paragraph 6 of the petition which reads as follows:

“That the petitioner has always given the proper love, respect and regard to the complainant (O.P. No.2) wife, since inception of the marriage and keep the complainant as wife with full dignity and honour till last moment and also to continue in future.”

It is further submitted that in alternative the petitioner is ready to make payment of one time settlement amount of rupees nine lacs, moreover, jewellery worth rupees six lacs is lying with the complainant but the complainant is neither ready to resume the conjugal life nor she is ready to accept the offer of one time settlement amount. More over, after rejection of the anticipatory bail by the Apex Court, the petitioner remained in custody for more than one month.

Mr. Sanjay Singh, learned counsel for the complainant



submits that the complainant was tortured to such an extent that when the complainant complained to the parents of the petitioner regarding his cohibiting with some other girl, at Bangalore, the petitioner took nude photographs of the complainant under threat and posted the same on e-mail hence, in such a situation the complainant is not ready to accept the offer of the petitioner. It is further submitted that with the earning of the complainant a flat was purchased at Bangalore where the petitioner is residing with his second wife. The petitioner is capable of making payment of considerable amount to allow the complainant to lead a dignified life but the petitioner thinks that even if he does not offer anything to her, the court may not pass any order prejudicial to him. The petitioner was granted provisional bail for four months on 18.3.2016 with liberty to make effort to reconcile the issue but, in fact, he has not made any effort in this regard rather has enjoyed the privilege of bail for over a year.

Considering the rival submissions of the parties, it does not appear that the issue is likely to reconcile either in terms of resuming the conjugal life or in terms of payment of one time settlement amount. There is nothing on record to suggest that the petitioner's bail bonds have not been cancelled by the learned court below hence if the bail bonds of the petitioner have not been



cancelled till date then the provisional bail granted to the petitioner vide order dated 18.3.2016 is hereby confirmed but if the bail bonds of the petitioner have been cancelled then the petitioner will surrender and pray for regular bail.

It is expected from the learned Judicial Magistrate Ist Class, Patna to conclude the trial of Complaint Case No. 25802C of 2014 within a period of nine months without giving any undue adjournments to either party. If the petitioner fails to appear on three consecutive occasions, the learned court below will be at liberty to cancel bail bonds of the petitioner.

With the aforesaid observation/direction this application stands disposed of.

(Dinesh Kumar Singh, J)

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