

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29295 of 2016

Arising Out of PS.Case No. -640 Year- 2015 Thana -NALANDA COMPLAINT CASE District-
NALANDA (BIHARSHARIFF)

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1. Ranjeet Kumar, Son of Late Ashok, Resident of Mohalla- Garhpar (Near
Pakar Tree) P.S. Bihar, District Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Mamta Kumari, Wife of Ranjit Kumar, Resident of Mohalla- Garhpar,
Ward No. 27, P.S- Bihar, District- Nalanada, At present D/o Ganesh Ram,
Resident of Village- Bahedi Bigha, P.S.- Sare, District- Nalanda.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar No.1

For the Opposite Party/s : Mr. Nityanand Tiwary

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

5 09-03-2017 Heard learned counsels for the petitioner, complainant
and the State.

The petitioner being husband of the complainant is
apprehending arrest in a complaint case wherein process has been
directed to be issued after cognizance being taken under Sections
498A and 494/34 of the Indian Penal Code.

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

The petitioner and the complainant are present in court.
It is submitted by learned counsel for the petitioner that the
petitioner was forcefully married with the complainant who is



handicapped as the maternal uncle of the petitioner connived with the father of the complainant. Statement to that effect has been made in paragraph 8 of the petition which reads as follows:

“That the father and mother of the petitioner died much earlier and the petitioner was living under guardianship of Mausha and Mausha but they failed to do the job of guardianship and in collusion with father of the petitioner with greedy eye tried to forcibly married with a handicapped girl for which petitioner is not ready and solemnized marriage with another girl.”

Learned counsel further submits that the petitioner has performed second marriage, hence the petitioner is not ready to keep the complainant.

It is submitted by learned counsel for the complainant that the marriage between the petitioner and the complainant is not being denied. The plea of forceful marriage is being taken when the present complaint has been lodged and the petitioner has never filed any criminal case or matrimonial suit challenging the factum of marriage. The petitioner has performed second marriage after being employed. The complainant is still ready to resume the conjugal life.

The matter was referred to Mediation vide order dated 15.12.2016 but it appears from the report of Mediator dated



28.2.2017 that in spite of best and sincere efforts, the mediation could not succeed.

Learned counsel for the petitioner further submitted that in alternative the petitioner is ready to make payment of Rs.3000/- per month from April, 2017 by depositing the same in the bank account of the informant by second week of every succeeding month.

Learned counsel for the complainant submits that though reluctantly, the complainant is ready to accept the offer of payment and on that ground at present she is not opposing the prayer for bail and undertakes to provide the bank account number to the petitioner within three weeks by submitting the same on affidavit before the learned court below.

Considering the present stand of the parties, in order to save the informant from destitution and vagrancy with a lurking hope that the issue may reconcile in future, let the above named petitioner be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Nalanda in connection with Complaint Case No. 640C of 2015 subject to the conditions as laid down under Section 438(2) Cr.P.C.



The aforesaid payment will be subject to any order being passed in matrimonial or maintenance proceeding.

Three consecutive defaults in making payment by the petitioner will give liberty to the informant to file an application for cancellation of bail of the petitioner.

The present order, in no way, will preclude the parties to resolve the issue otherwise.

(Dinesh Kumar Singh, J)

Anil/-

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