

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37658 of 2018

Arising Out of PS.Case No. -104 Year- 2015 Thana -ROHTAS COMPLAINT CASE District-
SASARAM (ROHTAS)

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Santan Singh, Son of Late Ram Briksh Singh, Resident of Village-
Pachpokhari, Police Station- Kudra, District- Kaimur (Bhabua).

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sandhya Devi, Wife of Santan Singh, Son of Late Ram Briksh Singh,
Resident of Village- Pachpokhari, Post Office- Sakari Kudra, Police
Station- Kudra, District- Kaimur (Bhabua), Presently residing with her
father Ayodhya Singh, Village Tipa, Post Office and Police Station-
Nauhatta, District- Rohtas (Sasaram).

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Singh

For the Opposite Party/s : Mr. Sri Umesh Lal Verma

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

ORAL ORDER

03/ 01-10-2018

Heard learned counsel for the petitioner,

learned APP for the State and learned counsel for the complainant-
opposite party no. 2.

The petitioner, being the husband of the
complainant, is apprehending his arrest in a complaint case
wherein processes have been directed to be issued after
cognizance being taken for the offence punishable under Section
498A of the Indian Penal Code.

The prosecution case got initiated with
Complaint Case No. 843 of 2016 filed by Sandhya Devi, opposite
party no. 2 before Sub-divisional Judicial Magistrate,



Dehri on 12.05.2015 alleging therein that the complainant was married with the petitioner in 1999 and for few years thereafter marriage was cordial and thereafter further dowry demand of a gold chain and a motorcycle was made by the petitioner and other in-laws family members and for non-fulfillment of the same the torture was inflicted upon the complainant. On 15th of January, 2015 all the belongings of the complainant was snatched and she was driven out from the matrimonial house.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant and he further admits that he has also performed second marriage. However, he is ready to keep the complainant as wife with full dignity and honour. Statement to that effect has been made in paragraph 9 of the petition, which reads as follows:-

“That the petitioner was/is still ready to keep his wife with full dignity and honour.”

It is submitted by learned counsel for the complainant that since the petitioner has performed second marriage hence, acceptance of the offer of the petitioner in terms of resuming the conjugal life does not arise. However, at present, she only claims the payment of interim maintenance amount of Rs.3,000/- per month as directed by learned Principal Judge,



Family Court, Rohtas at Sasaram vide order dated 20.09.2017 passed in Maintenance Case No. 50 of 2015. The certified copy of the order has been produced by the learned counsel for the complainant. Let it be kept on record.

Learned counsel for the petitioner further submits that the petitioner is ready to make the said payment of the interim maintenance as directed by the learned Principal Judge, Family Court, Rohtas in Maintenance Case No. 50 of 2015. Learned counsel for the complainant submits that the complainant will submit the bank amount number on affidavit before the learned Court below within a period of ten days.

Since the complainant is only pressing for payment of the interim maintenance amount and she is not opposing the prayer for anticipatory bail of the petitioner, which will at least, in view of this Court, for the time being will save the complainant-opposite party no. 2 from destitution and vagrancy with a lurking hope that the issue may reconcile in future. In the circumstances, let the above named petitioner be released on anticipatory bail, in the event of his arrest or surrender before the learned Court below, on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Dehri,



District - Rohtas in connection with Complaint Case No. 104 (C) of 2015, subject to the conditions laid down under Section 438(2) Cr.P.C.

The learned Court below will accept the bail bond of the petitioner on filing a proof with regard to the up-date payment of interim maintenance amount to the complainant by depositing the same in the bank account of the complainant as awarded by learned Principal Judge, Family Court, Rohtas vide order dated 20.09.2017 passed in Maintenance Case No. 50 of 2015.

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

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

(Dinesh Kumar Singh, J)

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