

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37463 of 2018

Arising Out of PS. Case No.-152 Year-2013 Thana- BHOJPUR COMPLAINT CASE
District- Bhojpur

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Chitranjan Baitha, Son of Dinanath Baitha, Resident of Village- Lahthan,
Police Station- Agaon, District- Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Poonam Devi, Wife of Chitranjan Baitha, Resident of Village- Nagari, Police Station- Charpokhari, District- Bhojpur at present residing at village- Ghagha, Police Station Behea, District- Bhojpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Samir Kumar Bharti
For the Opposite Party/s : Mr. Khurshid Anwar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 20-09-2018 Heard learned counsels for the parties.

The petitioner being the husband of the complainant, is apprehending arrest in a complaint case, wherein process has been directed to be issued after cognizance being taken for the offences punishable under Section 498A of the IPC and Sections 3 and 4 of the Dowry Prohibition Act.

The petitioner and the complainant are present.

The matter has been listed under the heading 'For Orders (on Office Notes)' since O.P. No. 2 has not entered appearance, but now since the O.P. No.2 has appeared along with learned counsel on her behalf, this matter is being taken up on merits.



The complainant's case is that she got married with the petitioner on 28.5.2008 but after few days of marriage, torture was inflicted upon her due to non-fulfillment of further dowry demand of motorcycle.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant. The petitioner is still ready to keep the complainant with dignity and honour. Statement to that effect has been made in paragraph 11 of the petition which reads as follows:-

“That the petitioner is husband of the complainant and he is ready to keep his wife.”

However, the complainant is only concerned with the payment of interim maintenance of Rs.1500/- and final maintenance of Rs.3000/- per month awarded by the learned Principal Judge, Family Court, Bhojpur at Ara in Maintenance Case No.26 of 2013. It is further submitted that the petitioner is ready to make payment of the maintenance amount awarded by the learned Principal Judge, Family Court, Ara within a period of six weeks from today.

Without expressing any opinion on the fact that the petitioner has performed second marriage, considering the fact that the complainant, at present, is only concerned with the



payment of maintenance amount which the petitioner is ready to pay, the complainant is presently not ready to resume the conjugal life though from the impugned order it appears that efforts were made to reconcile the issue, in order to save the complainant from destitution and vagrancy with a lurking hope that the issue may reconcile in future, let the petitioner above named be released on anticipatory bail in the event of arrest or surrender within six weeks on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned SDJM, Bhojpur at Ara in connection with Complaint Case No. 152C of 2013 subject to the conditions laid down in Section 438(2) of the Cr.P.C.

The bail bond of the petitioner will be accepted by the learned court below on filing of proof with regard to payment of up-to-date final maintenance amount awarded by the learned Principal Judge, Family Court, Ara in Maintenance Case No.26 of 2013.

The aforementioned payment will be subject to any order passed in matrimonial, maintenance or collateral proceedings.

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



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

(Dinesh Kumar Singh, J)

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