

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.569 of 2019

Arising Out of PS. Case No.-427 Year-2018 Thana- NALANDA COMPLAINT CASE
District- Nalanda

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Rajnish Kumar, Son of Ramesh Paswan Resident of Village-Dughaila,P.S.
Nagarnausa,Dist.-Nalanda

... .. Petitioner/s

Versus

1. State Of Bihar
2. Chanchla Devi D/o of Late Birendra Paswan Resident of Village-
Uternama,P.S. Rahui, Distt.-Nalanda

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anil Chandra
For the Opposite Party/s : Mr.Sri Sanjay Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

6 15-07-2019 The petitioner apprehends his arrest in connection with

Complaint Case No. 427C/2018 registered under Sections 323,

341, 494, 498A, 504, 511 and 120B of the Indian Penal Code.

Allegation against the petitioner, as per statement made
in the complaint by the complainant, is that her marriage with
the petitioner was solemnised in the year 2007 and at the time of
marriage, Rs. 2,51, 000/- in cash and gold etc. was given to the
petitioner. The complainant further states that after some time,
petitioner along with other family members started demanding
money from the complainant. The complainant further disclosed
that later on petitioner joined service of Food Corporation of
India. It has further been alleged that on 27.10.2017, petitioner
performed second marriage with another girl Neha Kumari, D/o



Dharmendra Paswan.

Learned counsel for the petitioner submits that allegation against the petitioner of demand of dowry is concocted and baseless inasmuch as allegation against petitioner, regarding second marriage is concerned, the complainant herself consented for the same since with the marriage of the petitioner and complainant, no child was born and complainant herself persuaded the petitioner to get married with another girl. Learned counsel produced photographs before this Court in which complainant was participating in the marriage function of the petitioner with another girl and both complainant and second wife are seen together happily. Learned counsel submits that after some time, some dispute arose between second wife and the complainant and as such present complaint case has been lodged.

The matter was referred in mediation where no compromise had arrived at between the parties however by order dated 03.07.2019, both parties were directed to be present in person along with their respective counsels. Today, petitioner as well as O.P. No. 2 are present along with their respective counsels and during course of reconcilliation, petitioner is willing to keep O.P. No. 2 with him, however, O.P. No. 2 did not



agree to the offer made by the petitioner then petitioner offered a sum of Rs. 5000/- per month to be paid to her for her maintenance but she also refused that offer. Again when the petitioner asked about the amount to be paid towards final settlements between the petitioner and O.P. No. 2, she also did not agree to that proposal and requested that bail of the petitioner may be rejected.

After having heard learned counsel for the petitioner as well as learned counsel appearing on behalf of the O.P. No. 2 and taking into consideration the fact that O.P. No. 2 has participated in the second marriage of the petitioner, which was performed in presence of O.P. No. 2 with her consent, however, O.P.No. 2, who is personally present, submits that her consent was obtained under pressure and further the fact that she is not willing to take offer of monthly amount to be paid by the petitioner and of any final settlement, let the provisional bail granted to the petitioner vide order dated 31.01.2019 is hereby confirmed and the bail bond furnished by the petitioner shall be treated to be the bail bond submitted pursuant to this order.

(Anil Kumar Sinha, J)

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