

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9282 of 2019

Arising Out of PS. Case No.-787 Year-2018 Thana- PATNA COMPLAINT CASE District-
Patna

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Kumar Sushant, Son of Rajesh Kumar Singh Resident of - House No.- 57,
Gali No.- 1, Ghora Mohalla, Back side of Honda Show Room, Aya Nagar,
south Delhi- 110047, Permanent residing at Mohalla- Gulab Bag, Naya Tola,
P.O. and P.S.- Barh, District - Patna

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. Rupali Kumari, Wife of Sri Kumar Sushant, D/o Sri Gyanendra Kumar @
Sanjay Kumar, Resident of Mohalla - Nand Nagar Colony, Nahar Road,
Saidpur P.S.- Bahadurpur, District – Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anil Kumar Singh
For the Opposite Party/s : Mr.Ashraf Ansari

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 28-03-2019 Heard learned counsel for the petitioner, learned
counsel for the complainant and learned APP for the State.

The petitioner, being the husband of the complainant,
is apprehending his arrest in a complaint case, wherein process
has been directed to be issued after cognizance being taken for
the offences punishable under Sections 341, 323, 494, 498A of
the Indian Penal Code and Sections 3/4 of Dowry Prohibition
Act.

The prosecution case as per the complainant Rupali
Kumari is to the effect that the marriage of the complainant was
performed with the petitioner on 09.06.2014 but subsequent to



the marriage, further dowry demand of Rs. Four lakhs and a washing machine was made and the complainant was forced to divorce the petitioner, but the petitioner continued torturing the complainant even at Delhi i.e., the place of posting of the petitioner. The complainant subsequently came to know that the petitioner has already married and without divorcing the first wife, he performed the marriage with the complainant. The petitioner has filed Matrimonial Suit No. 761 of 2016 for restitution of conjugal rights.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant but he was earlier married with Shruti Kumari but she deserted him and thereafter, the petitioner performed marriage with the complainant. The petitioner has also filed Matrimonial Suit No. 960 of 2013 before learned Principal Judge, Family Court, Patna for dissolution of marriage with his first wife.

Though, the petitioner is ready to keep the complainant as wife with dignity and honour but the complainant is reluctant to resume the conjugal life in view of the fact that the petitioner is already married and the marriage of the petitioner with his first wife has not been dissolved.

In the circumstances, issue is not likely to be resolved



at present. However, the petitioner is ready to make payment of Rs.8,000/- per month to the complainant from May, 2019 by depositing the same in the bank account of the complainant by second week of every succeeding month.

Learned counsel for the complainant submits that the complainant, is reluctantly, ready to accept the offer of the petitioner and undertakes to submit her bank account details on affidavit before the learned Court below within a period of four weeks.

Considering the present stand of the petitioner and the complainant, who are present in the Court, which, at present, will save the complainant 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 bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Patna City in connection with Complaint Case No. 787© of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The above mentioned payment will be subject to any



order being 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 otherwise.

(Dinesh Kumar Singh, J)

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