

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13797 of 2019

Arising Out of PS. Case No.-2465 Year-2015 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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Ramesh Das, Son of Suresh Das Resident of Village - Kaijiya Vishnupur, P.S.
- Waini O P (Tajpur), Distt - Samastipur.

... .. Petitioner/s

Versus

1. State of Bihar
2. Punam Devi, Wife of Ramesh Das Resident of Village - Kaijiya Vishnupur, P.S. - Waini O P (Tajpur), Distt - Samastipur. At present D/o Jago Das, Resident of Village - Nikaspur, P.S. - Tajpur, Distt - Samastipur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Surya Narayan Roy
For the Opposite Party/s : Mr.Ajit Kumar

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

8 22-08-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Petitioner apprehends his arrest in connection with
Complaint Case No.2465 of 2015 in which cognizance has been
under Section 498(A) of the Indian Penal Code.

The allegation against the petitioner as per the
complaint is that the marriage of Opposite Party was solemnized
with the petitioner on 20.05.2011. It has further been alleged
that out of wedlock one child has born, namely, Anshul Raj.
The complaint further states that petitioner thereafter demanded
a sum of Rs.1 lakh from the complainant and her family
members for opening of stationary shop and due to non-



fulfillment of his demand, he tortured the complainant and a sum of Rs.10,000/- was given to the petitioner by the father of the complainant but petitioner insisted to bring sum of Rs.1 lakh from the father of the complainant, failing which he threatened to torture the complainant. It has further been alleged that due to non-fulfillment of demand of dowry, the complainant was being tortured mentally and physically and finally, she was driven out from her matrimonial home on 14.11.2015.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case based on concocted complaint and no such incident has taken place. Learned counsel submits that he is ready to keep the complainant with all care and dignity.

On the other hand, learned counsel appearing for Opposite Party No.2-complainant submits that after the complainant, i.e, Opposite Party No.2 was driven out by the petitioner, he performed second marriage with another girl and in that situation, it is very difficult for the complainant to live with the petitioner. Learned counsel further submits that second marriage performed by the petitioner itself goes to show that he has tortured mentally to the complainant.

However, without prejudice to the aforesaid, learned



counsel for the petitioner offers to pay a sum of Rs.3000/- per month as a living cost to the complainant-Opposite Party No.2 for maintenance of the complainant-Opposite Party No.2 and her child subject to the final outcome of a case pertaining to maintenance or otherwise filed by the parties. Opposite Party No.2 accepts the offer made by the petitioner without prejudice to her right and contention.

After having heard learned counsel for the petitioner as well as learned counsel appearing on behalf of Opposite Party No.2 and taking into consideration the fact that offer made by the petitioner has been accepted by the Opposite Party No.2, accordingly, let the petitioner pay a sum of Rs. 3000/- per month regularly to Opposite Party No.2, i.e., complainant in her bank to be provided by the complainant within ten days.

It is made clear that soon after the receipt of the bank account number, petitioner will deposit sum of Rs.3000/- in the bank account of Opposite Party No.2 latest by 10th of September, 2019 and will continue to pay the sum every month by the 10th day of every month in the bank account of the complainant-Opposite Party No.2, subject to final outcome of any maintenance or matrimonial case filed between the parties.

Accordingly, the petitioner, above named, is directed



to surrender before the learned Court below within a period of four weeks from today and in the event of surrender by him, he shall be released on anticipatory bail by the Court below upon 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, Samastipur, subject to the condition as mentioned under Section 438 (2) of Cr.P.C.

It is made clear that the petitioner at the time of surrender, will attach the proof of payment of sum of Rs.3000/- for the month of September, 2019 in the bank account of the Opposite Party No.2 along with his surrender-cum-bail application.

(Anil Kumar Sinha, J)

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