

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15890 of 2019

Arising Out of PS. Case No.-2058 Year-2017 Thana- GOPALGANJ COMPLAINT CASE
District- Gopalganj

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RADHA KRISHNA PRASAD @ RADH KRISHNA PRASAD @ RADHA KRISHNA CHAUDHARY @ RADHE KRISHNA CHAUDHARY Son of Mahajan Chaudhary R/o village- Thepha, P.S- Jeeradei (wrongly stated in complaint as p.s.- siwan of the petitioner and other accused), District- Siwan,

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Smt. Sapana Chaudhary @ Smt. Sapana yadav W/o Radha Krishna Prasad @ Radh Krishna Prasad @ Radha Krishna Chaudhary @ Radhe Krishna Chaudhary D/o Nathuni Prasad Yadav, R/o- Kasmains Gaji, Nechua Jalalpur, P.S- Kuchaikot, District- Gopalganj at Present - Kumawa Mohalla Murkhji Chauraha Kakroli, District- Rajsamand(Rajasthan)

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sushil Kumar Jha
For the Opposite Party/s : Mr.Rajendra Prasad Nat

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 27-06-2019 This application, for grant of anticipatory bail, arises out of T.R. No. 1792 of 2018 (Complaint Case No. 2058/17), disclosing offences under Section 498A of the Indian Penal Code.

Prosecution case as per the complaint petition is that the complainant after her with the petitioner, came to know that petitioner has illicit relationship with his sister in law (bhabhi), which was seen by her and when she protested tortured and harassed and a demand of Rs. Two lac and a four wheeler vehicle as dowry was made and further the petitioner and others



ousted her from the house.

Submission of learned counsel for the petitioner is that it is the complainant, who does not want to live with the petitioner, which will appear from the fact that she has filed the divorce case in the court at Rajasthan and further in the divorce petition filed by the petitioner, notice was issued to father of opposite party no. 2 and in reply of the notice, father of complainant has demanded Rs. 14 lac, for which, the petitioner is not ready. It has also been submitted that opposite party no. 2 has also filed a maintenance case in the family court Rajsamand, Rajasthan, being Maintenance Case No. 53/17, in which order for maintenance has been passed on 01.06.2019 and petitioner is ready to pay the maintenance.

Heard learned A.P.P. as well as learned counsel for the complainant. It has been submitted by learned counsel for the complainant that the complainant is ready to live with the petitioner but it is the petitioner does not want to keep the complainant with himself and the petitioner is not paying any money towards her maintenance, though order of maintenance has been passed on 01.06.2019.

Having heard both sides, considering the facts and circumstances of the case, provisional bail earlier granted to the



petitioner vide order dated 14.03.2019 is confirmed subject to the condition that petitioner shall regularly pay the maintenance amount to the petitioner as fixed by the learned Family Court, Rajsamand, Rajasthan and if the petitioner fails to pay the maintenance for three consecutive months, the complainant will be at liberty to move the court below for cancellation of bail of the petitioner.

This the above observation and direction, this application is disposed of.

(Vinod Kumar Sinha, J)

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