

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48139 of 2019

Arising Out of PS. Case No.-57 Year-2019 Thana- BHABHU(KAIMUR) COMPLAIN C
District- Kaimur (Bhabua)

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Manish Kumar, Son of Achhaiber Ram Resident of Village-Janardanpur, P.S-
Durgawati, District-Kaimur at Bhabua.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Seema Devi, Wife of Manish Kumar, D/o Ram Bilash Ram, Resident of
Village-Janardanpur, P.S.-Durgawati, District-Kaimur at Bhabua, at present
reside at village Mishrapur, P.S.-Durgawati, District-Kaimur at Bhabua.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan
For the Opposite Party/s : Mrs .Renu Kumari

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

6 20-11-2019 Heard learned counsels for the petitioner, complainant
and the State.

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 Sections 498A of the IPC and Section
4 of the Dowry Prohibition Act.

The prosecution case is that due to non-fulfillment of
further dowry demand of Rs. 2 lacs, the informant was tortured
and driven out from her matrimonial house by the petitioner and
other in-law family members.

It is submitted by learned counsel for the petitioner that the



petitioner admits his marriage with the informant. However, since the complainant had illicit relationship with someone else, hence the petitioner filed Matrimonial suit No. 164 of 2008 with a prayer for divorce and about six months thereafter the present complaint case was filed on 09.01.2009 by the complainant. However, the petitioner is making payment of Rs. 1,200/- per month as maintenance pendente lite to the complainant on the petition filed by the complainant under Section 24 of the Hindu Marriage Act, hence the accusation under Section 498A IPC appears to be as a retaliatory measure.

Learned counsel for the complainant submits that the complainant is still ready to resume the conjugal life. However, he does not controvert the fact that the matrimonial suit was filed at earlier point of time.

Considering the fact that matrimonial suit was filed at earlier point of time and he is making payment of maintenance pendente lite to the tune of Rs. 1,200/- per month, let the above named petitioner be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- with two sureties of like amount each to the satisfaction of learned SDJM, Kaimur, Bhabua in connection with Complaint



Case No. 57 of 2019, subject to the condition as laid down
under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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