

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68730 of 2018**

Arising Out of PS. Case No.-837 Year-2016 Thana- COMPLAINT CASE District- Jamui

Upesh Pandit

... .. Petitioner/s

Versus

State Of Bihar and Anr

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Niranjana Parihar

For the Opposite Party/s : Mr.Sri Iftekhar Mahmood

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

4 15-04-2019 Heard learned counsels for the parties.

The petitioner, being 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 offence punishable under Section 498A of the IPC.

The prosecution case as per the complaint petition filed by Rita Devi is to the effect that the marriage of the complainant with the petitioner was performed ten years prior to filing of the complaint but subsequent to the marriage, there was demand of further dowry of Rupees Two Lacs and a motorcycle but due to non-fulfillment of the same, torture was inflicted upon the complainant. It is further alleged that on 11.7.2016, an attempt was made to put the complainant on fire. Ultimately, she was driven out of the matrimonial house by the petitioner and other co-accused persons.



It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant and is ready to keep her as wife with full dignity and honour. Statement to that effect has been made in paragraph 11 of the petition which reads as follows:

“That the petitioner is ready to keep his wife/complainant with full honour and dignity.”

It is further submitted that the complainant is still residing with the petitioner.

Learned counsel for the complainant submits that the complainant is only residing in the house of the petitioner but she is being maintained by her parents. It is further submitted that a Maintenance Case No. 106 of 2018 has been filed before the learned Principal Judge, Family Court, Jamui wherein maintenance of Rs.3000/- per month has been awarded but the same is not being paid to the complainant. It is also submitted that if the maintenance amount is paid, the prayer of the petitioner for bail will not be opposed.

Learned counsel for the petitioner submits that though the said order of maintenance has been challenged by the petitioner but he is ready to keep the complainant as wife.

Considering the present stand of the parties, let the



petitioner above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned SDJM, Jamui in connection with Complaint Case No. 837C of 2016 subject to the conditions laid down in Section 438(2) of the Cr.P.C. and further that the maintenance amount including arrears are paid by the petitioner to the complainant within eight weeks.

However, the aforesaid payment will be subject to any order passed by any superior Court.

(Dinesh Kumar Singh, J)

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