

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62725 of 2018

Arising Out of PS. Case No.-156 Year-2017 Thana- KHAGARIA COMPALINT CASE
District- Khagaria

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Rajeev Paswan Son of Babloo Paswan, Resident of Village- Gharari, P.S.-
Mansi, District- Khagaria.

... .. Petitioner/s

Versus

1. State of Bihar
2. Sigam Kumari Devi @ Sigam Devi, Wife of Rajeev Paswan, Daughter of
Ghuran Paswan, At present residing at Resident of Village- Budhwan, P.S.-
Khagaria, Gangaur, District- Khagaria.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Singh
For the Opposite Party/s : Mr. Anil Kumar Singh 1

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

7 26-06-2019 Heard learned counsels for the petitioner, informant
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 Section 498A of the Indian Penal
Code and Sections 3/4 of the Dowry Prohibition Act.

The prosecution case as per the complainant is that
the complainant was married with the petitioner in the year
2016, but subsequent to the marriage, further dowry demand of
a milking cow and cash amount of Rs.40,000/- was made and
due to non-fulfillment of the same, torture was inflicted upon



the complainant. On 20.02.2017, all the accused persons, including the petitioner, assaulted the complainant and ultimately she was driven out from the matrimonial house.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the complainant and is ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in para 10 of the petition which reads as follows:-

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

It is further submitted that similar was stand of the petitioner before the learned Court below which gets reflected from the impugned order and the petitioner has also filed a suit for restitution of conjugal rights, but the number of the said suit has not been brought on record.

Learned counsel for the complainant submits that the complainant was willing to resume the conjugal rights, but since the petitioner has performed second marriage with one Ruchi Kumari now she is not ready to resume the conjugal rights. In support of the aforesaid statement a counter affidavit has been filed, which has not been controverted by learned



counsel for the appellant as no rejoinder to the counter affidavit has been filed.

However, learned counsel for the petitioner submits that the petitioner has not performed second marriage. But, however, in alternative, the petitioner is ready to make payment of Rs.2,500/- per month to the complainant from August, 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 reluctantly the complainant accepts the offer of the petitioner and undertakes to submit bank account number on affidavit before the learned court below within a period of two weeks.

Considering the present stand of the parties which for the present will save the complainant from destitution and vagrancy with a lurking hope that the issue between the parties 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 12 weeks from today, 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, Khagaria in connection with Complaint Case No.156 C of 2017, subject to the conditions as



laid down under Section 438(2) Cr.P.C.

The aforesaid payment will be subject to any order passed in matrimonial or maintenance proceeding or any collateral proceeding.

Three consecutive defaults in making payment by the petitioner will give liberty to the complainant to file an application for cancellation of bail of the petitioner.

The present order will not preclude the parties to reconcile the issues otherwise.

(Dinesh Kumar Singh, J)

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