

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.20474 of 2020**

Arising Out of PS. Case No.-2410 Year-2016 Thana- SIWAN COMPLAINT CASE District-  
Siwan

MADAN MOHAN DAS Son of Late Ramayan Ram Resident of Muhalla-  
Mangla Gauri, P.S.- Bishnupad, District- Gaya.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR Bihar
2. Pramila Devi @ Pramila Kumari Wife of Mandan Mohan Das, D/o  
Kawaldeo Rai Resident of Village- Rajanpura, P.S.- Daraunda, District-  
Siwan.

... .. Opposite Party/s

with

**CRIMINAL MISCELLANEOUS No. 20531 of 2020**

Arising Out of PS. Case No.-2410 Year-2016 Thana- SIWAN COMPLAINT CASE District-  
Siwan

1. MAMTA DEVI Wife of Late Ramayan Ram Resident of Muhalla - Mangla  
Gauri, Police Station - Bishnupad, District - Gaya.
2. Kumari Kanchan @ Kanchan Kumari @ Kanchan Devi D/O Late Ramayan  
Ram Wife of Arjun Pratap Chandra, Resident of Muhalla - Flat No. A406,  
Raj Place Paharpur O.T.A. Gate No. -05, Chaurahar, Civil Aerodram, Police  
Station - Magadh Medical, District - Gaya.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR Bihar
2. Pramila Devi @ Pramila Kumari Wife of Mandan Mohan Das D/O  
Kawaldeo Rai, Resident of Village - Rajanpura, Police Station - Daraunda,  
District - Siwan.

... .. Opposite Party/s

**Appearance :**

(In CRIMINAL MISCELLANEOUS No. 20474 of 2020)

For the Petitioner/s : Mr. Bindhyachal Singh,

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

For the complainant : Mr. Nawal Kishore Singh, Advocate

(In CRIMINAL MISCELLANEOUS No. 20531 of 2020)

For the Petitioner/s : Mr. Bindhyachal Singh,

For the Opposite Party/s : Mr. Ram Priya Sharan Singh. APP

For the complainant : Mr. Nawal Kishore Singh, Advocate

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR  
SRIVASTAVA**

ORAL ORDER

3      16-10-2020

Both the above stated petitions have been filed under



Section 438 of the Code of Criminal Procedure for grant of anticipatory bail in connection with Complaint Case No. 2410 of 2016 in which cognizance has been taken for the offences punishable under Sections 323, 387, 406, 494, 498A of the Indian Penal Code and, accordingly, both the above stated petitions are being disposed of by this common order.

Heard learned counsel appearing for the petitioners as well as learned Additional Public Prosecutor for the State through video conferencing. Also heard Sri Nawal Kishore Singh, Advocate, appearing for complainant, though he has not filed Power on behalf of the complainant but with permission of this Court, he placed his argument.

Petitioner in Cr. Misc. No. 20474 of 2020 is husband of the complainant, whereas petitioner No. 1, namely, Mamta Devi, in Cr. Misc. No. 20531 of 2020, is mother-in-law and petitioner No. 2, namely, Kumari Kanchan @ Kanchan Kumari @ Kanchan Devi, in the aforesaid Cr. Misc. No. 20531 of 2020, is married *Nanad* of the complainant.

It is an admitted position that the marriage of complainant was solemnised with petitioner in Cr. Misc. No. 20474 of 2020 in the year 2003 but, allegedly, the complainant subjected to cruelty on account of non fulfillment of illegal



demand and, subsequently, she was ousted from her matrimonial home on 15.9.2015.

Learned counsel appearing for petitioners submits that no occurrence, as alleged in the complaint petition, did ever take place and, as a matter of fact, the complainant was unable to produce baby and with consent of the complainant, the petitioner of Cr. Misc. No. 20474 of 2020 solemnised second marriage. However, subsequently, the complainant lodged this false case though the petitioner has been regularly paying some amount to the complainant, which is evident from Annexure 4 series to the petition.

On the other hand, learned counsel appearing for complainant opposed the prayer submitting that the complainant was ousted from her matrimonial home and, as a matter of fact, her signature was taken on plain paper putting her into fear and she had never given her consent for second marriage of the petitioner in Cr. Misc. No. 20474 of 2020.

In course of hearing, learned counsel of the petitioners submits that petitioner in Cr. Misc. No. 20474 of 2020 is ready to pay monthly amount to the complainant if she agrees to the above stated proposal. Learned counsel of the complainant submits that the complainant is also ready to take maintenance



amount from the petitioner in Cr. Misc. No. 20474 of 2020. However, after some negotiation, petitioner in Cr. Misc. No. 20474 of 2020 agrees to pay Rs. 15,000/- per month to complainant to which learned counsel of the complainant agrees.

It is also informed that a maintenance case is pending in the Family Court, Siwan.

Considering the aforesaid facts and circumstances as well as submissions of the parties, both the above stated anticipatory bail petitions are allowed and it is ordered that petitioner, namely, Madan Mohan Das in Cr. Misc. No. 20474 of 2020 and petitioner No. 1, namely, Mamta Devi and petitioner No. 2, namely, Kumari Kanchan @ Kanchan Kumari @ Kanchan Devi in Cr. Misc. No. 20531 of 2020, in the event of their arrest/ surrender within six weeks from the date of receipt of this order to the court concerned, shall be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate VIII, Siwan/concerned court in Complaint Case No. 2410 of 2016 subject to conditions as laid down under Section 438(2) of the Cr.P.C. and, furthermore, subject to condition that petitioner in



Cr. Misc. No. 20474/2020 shall make payment of Rs. 15,000/- to complainant in the first week of each and every month. The complainant shall file a petition before the court below giving her Account number and her other Bank details so that the petitioner could deposit the above stated amount to the account of complainant.

Further, it is made clear that the complaint shall withdraw the maintenance case within one month from the date of receipt of first amount from the petitioner in Cr. Misc. No. 20474/2020. It is also made clear that any failure on the part of the petitioner in Cr. Misc. No. 20474/2020 shall give liberty to complainant to file petition before the court below for cancellation of the bail of the petitioner in Cr. Misc. No. 20474 of 2020 and she may also file for restoration of maintenance case if if she does so, the concerned Family Court shall pass appropriate order on the restoration petition of complainant keeping in mind the observation given in this order.

In the aforesaid manner, both the above stated petitions stand disposed of.

**(Hemant Kumar Srivastava, J)**

Spd/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

