

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57427 of 2019

Arising Out of PS. Case No.-1529 Year-2017 Thana- SITAMARHI COMPLAINT CASE
District- Sitamarhi

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Dhiraj Kumar @ Manish Kumar Son of Late Saryug Lal Shastri Resident of
Chandan Market, Beur Jail, P.S. - Beur Jail, District - Patna.

... .. Petitioner

Versus

1. The State of Bihar
2. Anjali Kumari Wife of Dhiraj Kumar @ Manish Kumar Resident of
Chandan Market, Beur Jail, P.S. - Beur Jail, District - Patna. At present
daughter of Shivji Sah, Resident of Village-Dhangar, P.S.-Parsauni, District
Sitamadhi.

... .. Opposite Parties

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Appearance :

For the Petitioner	:	Mr. Yogesh Chandra Verma, Sr. Advocate Mr. Anuj Kumar, Advocate
For the Opposite Party	:	Mr. Rajesh Kumar, APP
For Opp. Party No. 2	:	Mr. Bipin Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

5 18-06-2020 Heard learned senior counsel appearing on behalf of

the petitioner, learned counsel appearing on behalf of the State

as well as learned counsel on behalf of the opposite party no. 2.

The petitioner, who is the husband of the complainant,
is apprehending arrest in connection with Complaint Case No.
1529 of 2017 for offences under Sections 147, 148, 149, 354
and 498A of the Indian Penal Code and Sections 3/4 of the
Dowry Prohibition Act.

Learned senior counsel for the petitioner submits that
the petitioner has neither joined wedlock with the opposite party



no. 2 nor he has contracted any marriage with another lady.

Learned counsel appearing on behalf of the opposite party no. 2 with reference to the impugned order submits that the petitioner has contracted second marriage with another lady. In fact, the court below took note of the fact that one case, namely, Complaint Case No. 940 of 2012 is pending against the petitioner by one another lady who claims to be his wife.

A supplementary affidavit has been filed yesterday in paragraph 5 whereof specific statement has been made that the petitioner has not joined wedlock with another lady and the claim of first marriage is false and fabricated.

Learned counsel for opposite party no.2 has submitted that the Principal Judge, Family Court, Patna has passed order granting maintenance to the tune of Rs.6000/- but the complainant has not got any maintenance in terms of the order of the Principal Judge, Family Court.

Mr. Y.C. Verma, learned senior counsel appearing on behalf of the petitioner, submits that the order of the court below is under challenge.

Considering the fact situation, this Court is inclined to grant bail to the petitioner. Let petitioner, above-named, in the event of arrest or surrender within one month from today, be



released on bail on furnishing bail bond of Rs. 25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of Sub-Divisional Judicial Magistrate, Sadar, Sitamarhi in connection with Complaint Case No. 1529 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and subject to further conditions:

(i) The petitioner shall keep the complainant paying maintenance in terms of the order of the Principal Judge, Family Court, Patna failing which his bail bond shall be cancelled.

(ii) The petitioner shall keep his wife with honour and dignity.

(iii) In the event the petitioner neglects, misbehaves or torture the complainant (opposite party no. 2), the court below shall be at liberty to cancel his bail bond.

(iv) In the event the statement made in paragraph 5 of the supplementary affidavit filed yesterday is false and fabricated, the petitioner shall be liable for prosecution or for initiation of a contempt proceeding for making false statement.

(Anil Kumar Upadhyay, J)

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