

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6819 of 2020

Arising Out of PS. Case No.-692 Year-2018 Thana- GAYA COMPLAINT CASE District-
Gaya

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JITENDRA KUMAR PASWAN @ JITENDRA PASWAN @ JITENDER
KUMAR PASWAN, Male, aged 38 years, S/o Chauthi Paswan, resident of
village- Karma, P.S.- Dumariya, Distt - Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Renu Devi, Female, aged about 34 years, Wife of Jitendra Kumar Paswan
Resident of Village - Lathicha, P.O.- Chatterpur, Distt.- Palamu, Jharkhand.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Advocate
For the Opposite Party/s : Ms. Renu Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

6 21-10-2021 Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner apprehends his arrest in a case registered
for the offence punishable under Section 498(A) and 494 of the
Indian Penal Code.

Complainant is wife of the petitioner and marriage
between the petitioner and the complainant was solemnized in
the year 2007 as per Hindu rites and customs. It is alleged in the
complaint case that after marriage, she went to her matrimonial
home and soon thereafter, petitioner and her in-laws started
torturing her for non-fulfillment of demand of dowry of
Rs.50,000/- and also threatened that petitioner will solemnize

second marriage if the demand is not fulfilled and thereafter she was forced to live at her parental home.

In the year 2008, when Rs.20,000/- was given by brother of the complainant, she was brought back to her matrimonial home but nature of the accused persons did not change and again they started torturing the complainant mentally and physically. It is further alleged that her husband solemnized second marriage in the year 2012 and they started residing in Delhi and petitioner deserted informant.

Two daughters are born out from wedlock of complainant and petitioner and even then accused persons are not ready to keep them and in the year 2018, she was ousted from her matrimonial home, as such, she was constrained to file a complaint case.

It has been submitted on behalf of the petitioner that allegation of torture and demand of dowry is false as marriage was solemnized in the year 2007 and two children are born and as such, after passage of so much of time, there cannot be demand of any dowry and as a matter of fact, complainant herself had left the matrimonial home and went to her parental home. Petitioner is paying Rs.3,000/- as maintenance to her. It appears from the order passed by the sessions Judge that both

complainant and petitioner were present in the court and petitioner admitted that he has solemnized second marriage and his second wife is living in Delhi with him and he is paying Rs.3,000/- per month to the complainant and providing all facilities in the matrimonial house of Gaya but complainant is adamant that she will live in Delhi.

As far as offence under Section 494 of IPC is concerned, same is non-cognizable and bailable.

Notices were issued to O.P. No.2 but in spite of valid service of notice, she has chosen not to appear before this Court.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on anticipatory bail, in the event of his arrest or surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Complaint Case No. 692/18 subject to the condition as laid down under Section 438(2) of the Cr.P.C with a condition that petitioner would be paying the maintenance amount of Rs.3,000/- per month to the informant/opposite party no.2 which will be subject to any order passed by court of competent jurisdiction for grant of

maintenance.

(S. Kumar, J)

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