

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 5982 of 2020

Arising Out of PS. Case No.-880 Year-2018 Thana- SITAMARHI COMPLAINT CASE
District- Sitamarhi

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Jitendra Das @ Jitendra Kumar Das, aged about 26 years, Gender-Male, Son of Shatrudhan Das, Resident of Village - Gadha @ Garha, P.S.- Runnisaidpur, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Meena Devi, aged about 25 years, Gender-Female, Wife of Jitendra Das, Daughter of Lalo Das, Resident of Village - Gadha @ Garha, P.S.- Runnisaidpur, District- Sitamarhi. At Present Resident of Village - Lagma, P.S.- Dumra, District- Sitamarhi.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Santosh Kumar, Advocate
For the Opposite Party No. 2	:	Mr. Arvind Kumar, Advocate
For the State	:	Ms. Renu Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

- 3 02-11-2021 Heard Mr. Santosh Kumar, learned counsel appearing on behalf of the petitioner, Mr. Arvind Kumar, learned counsel appearing on behalf of the opposite party no. 2 and Ms. Renu Kumari, learned counsel appearing on behalf of the State.

The petitioner has filed the present pre-arrest bail application to release him for the alleged offence punishable Under Sections 498(A), 323, 306, 308 of the Indian Penal Code in which cognizance has also been taken under Sections 498(A)/34 and 494 of the Indian Penal Code pending in the Court of learned S.D.J.M., Sadar Sitamarhi in Complaint Case



No. CI-880 of 2018.

It has been alleged in the complaint that the petitioner had married with the opposite party no. 2, on 11.06.2015 in accordance with Hindu Rites and Customs. The opposite party no. 2 was given sufficient gift and money in cash and other items at the time of marriage. It has further been alleged that on 03.09.2016, the opposite party no. 2 gave birth to a daughter namely Sonam Kumari. It has been alleged that only after the birth of the daughter, the petitioner started subjecting her to cruelty and made demand of Rs. 5,00,000/- and upon refusal she was variously tortured the complainant.

Learned counsel appearing on behalf of the petitioner submits that the allegations made in the complaint case no. C1-880 of 2018 dated 19.06.2018 is false and in fact the opposite party no. 2, herself do not want to live along with him. Learned counsel for the petitioner submits that he is ready to keep the opposite party no. 2 and also in the meantime is ready to support her financially and his daughter by providing with Rs. 5,000/- per month.

Learned counsel appearing on behalf of the opposite party no. 2 submits that the petitioner has now married another woman and with force driven her out from her matrimonial



house and is not keeping good relationship with her in spite of being blessed with a daughter. He further states that petitioner has inflicted several wounds on body of complainant and has been forced to lodge the present complaint case. It has further been alleged that the petitioner never cares for her nor does he provide any financial help. It has further submitted by learned counsel for the opposite party no. 2 that even father-in-law and the other members of the family are not ready to keep her in her matrimonial home instead they insult and assault her.

In view of the submission of the opposite party no. 2, as on date the petitioner is not ready to keep his wife and he has married with another woman in spite of her best efforts, to live with him the petitioner is not ready to keep her.

Learned counsel appearing on behalf of the State opposes the prayer for grant of anticipatory bail of the petitioner.

Considering the facts and circumstances of the case and perusal of the complaint as well as the submission made on behalf of the petitioner and opposite party no. 2, who agreed to reconcile and vide order dated 28.02.2020 this court had referred the matter before the Conciliation and Mediation Centre of the Patna High Court. However, due to COVID-19



pandemic, no effective steps could be taken by the parties to arrive at for reconciliation.

I am of the opinion that in view of the fact that the petitioner is ready to keep opposite party no. 2 and his daughter and is also ready to pay her Rs. 5,000/- per month, I am of the opinion that the petitioner be released on anticipatory bail.

Let the above named petitioner be released on bail, in the event of his arrest or surrender before the Court below within four weeks from today, on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M. Sadar, Sitamarhi in connection with Complaint Case No. C1-880 of 2018, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

If the opposite party no. 2 and the petitioner desires to live together, the Court below may take ever steps to settle the matrimonial dispute between the parties.

(Purnendu Singh, J.)

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