

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.10876 of 2021**

Arising Out of PS. Case No.-606 Year-2018 Thana- NALANDA COMPLAINT CASE
District- Nalanda

=====

Chintu Kumar, S/o Arvind Prasad, R/o Bari Kewai, P.S.- Sahjahanpur, Distt-
Patna.

... .. Petitioner

Versus

1. The State of Bihar
2. Sudha Mehta, W/o Chintu Kumar R/o Bari Kewai, P.S.- Sahjahanpur, Distt-
Patna, at present D/o Sadhusharan Prasad, R/o Village- Medhi, P.S.- Deep
Nagar, Distt- Nalanda.

... .. Opposite Party

=====

Appearance :

For the Petitioner	:	Mr.Amresh Kumar Sinha, Advocate
For the Informant	:	Mr. Samir Kumar Sinha, Advocate
For the State	:	Mr.Sanjay Kumar Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

8 07-09-2021 Heard learned counsel for the petitioner, Mr. Samir
Kumar Sinha, learned counsel for the complainant – Opposite
Party No. 2 and Mr. Sanjay Kumar Singh, learned A.P.P. for the
State.

Petitioner, in the present case, is seeking regular bail
in connection with Complaint Case No. 606C/2018 registered
for the offence under Section 323, 504, 498A, 312/34 of the
Indian Penal Code and 3/4 of Dowry Prohibition Act.

As per the prosecution story, the marriage between the
petitioner and Opposite Party No. 2 was solemnized on
05.02.2017. For some time they lived peacefully and out of their
wedlock a female child was born. It is alleged that subsequently

the complainant – O.P.No. 2 was being tortured to do all house work, she was being teased in the name of her skin colour and all the accused used to assault her. They were allegedly demanding a sum of Rs. One Lac as additional dowry. It is alleged that the second pregnancy of the complainant was terminated by use of medicine and finally she was driven out of her matrimonial house.

Learned counsel for the petitioner submits that the entire allegations are false and baseless. As regards the allegation of second marriage having been solemnized by the petitioner, he has emphatically denied such allegation and submitted that the entire allegations have been made only because the petitioner did not want to live as ‘Ghar Jamai’ with the complainant.

Learned counsel for the petitioner submits that earlier this Court had while issuing notice to O.P. No. 2, directed provisional release of the petitioner for a period of two months. Since the matter was on the list, the petitioner was advised to await the result of the case, therefore he could not surrender on the date of expiry of the period of two months, but as soon as learned counsel for the petitioner found that the petitioner had committed a mistake by not surrendering and at the same time not mentioning the matter for immediate hearing, the petitioner

was advised to surrender and now he has surrendered in the learned court below.

Learned counsel submits that in the nature of dispute between the parties, in order to show his bonafide the petitioner is ready to part with a sum of Rs. 2000/- per month after one month from the date of his release and he will do so continuously every month without fail subject to result of an appropriate proceeding, if any, which may be contested between the parties on the question of maintenance.

Learned counsel for Opposite Party No. 2 has though opposed the prayer for bail of the petitioner but at the same time it may be clear that now O.P. No. 2 is not interested in living with the petitioner, therefore she is looking for an amicable settlement. Learned counsel submits that the O.P. No. 2 shall accept Rs. 2000/- per month as offered by the petitioner for the present because she along with her minor daughter is living in a condition of penury but such acceptance shall not be prejudicial to the interest of O.P. No. 2 and she may be granted liberty to take up an appropriate proceeding for award of maintenance.

Learned counsel for the complainant - O.P. No. 2 submits that the educational certificate of the O.P. No.2 and her ornaments are still lying with the petitioner. Learned counsel for

the petitioner has, however, submitted on instruction from the brother of the petitioner that no such document or ornament is with the petitioner.

Let the petitioner come out of his custody and it is expected that if he is in possession of documents or ornaments of O.P.No. 2 he will return the same to O.P. No. 2 immediately.

Learned A.P.P. for the State has endorsed the submission of learned counsel for the O.P. No. 2.

Considering the facts and circumstances of the case as stated above, let the petitioner above-named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Nalanda at Bihar Sharif in connection with Complaint Case No. 606C/2018, subject to the condition as laid down under Section 437 (3) Cr.P.C.

Further condition that in terms of his own offer made before this court to O.P. No. 2 he will continue to pay a sum of Rs. 2000/- per month beginning from a date one month after his release from the jail and such payment shall be made within first seven days of every month in the account of O.P. No. 2. O.P. No. 2 shall furnish her account number to the petitioner, it will however be subject to result of any proceeding which may be

contested between the parties on the question of maintenance.

In case the petitioner fails to abide by this condition it will be open for Opposite Party No. 2 to file an appropriate application before this court for cancellation of bail.

This application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

Arvind/-

U		T	
---	--	---	--

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.