

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78962 of 2019

Arising Out of PS. Case No.-1926 Year-2017 Thana- VAISALI COMPLAINT CASE
District- Vaishali

=====

Ram Kumar @ Ram Kumar Giri, aged about 36 years, Male, son of
Muneshwar Giri, resident of village - Jogia Math, P.S.- Samastipur Muffasil,
Distt - Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Archana Kumari, aged about 30 years, Female, daughter of Ram Nihora
Puri, resident of village - Mahathi, Dharmchand, P.S.- Tisiauta, Distt
-Vaishali

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. Surya Narayan Roy, Advocate
For the State	:	Mr. Gauri Shankar Gupta, APP
For the OP No. 2	:	Mr. Amit Kumar Rakesh, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 22-06-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Surya Narayan Roy, learned counsel for
the petitioner; Mr. Gauri Shankar Gupta, learned Additional
Public Prosecutor (hereinafter referred to as the 'APP') for the
State and Mr. Amit Kumar Rakesh, learned counsel for the
opposite party no. 2.

3. The petitioner apprehends arrest in connection with
Complaint Case No. 1926 of 2017 dated 02.08.2017, instituted
under Sections 498-A/34 of the Indian Penal Code and 4 of the
Dowry Prohibition Act, 1961.



4. The petitioner, who is the husband of the opposite party no. 2, along with other family members, is accused of demanding dowry and committing mental and physical torture to her.

5. Learned counsel for the petitioner submitted that pursuant to the earlier orders, the opposite party no. 2 is now living in the matrimonial home with him for over six months. It was submitted that earlier the Court had directed the petitioner to keep the opposite party no. 2 with full dignity, honour and security and to take care of all her needs, which he is doing. It was submitted that the opposite party no. 2 has not made any complaint before any authority that she is not being treated properly.

6. Learned APP submitted that the allegation is of demand of rupees five lakhs as dowry.

7. Learned counsel for the opposite party no. 2 submitted that as per his telephonic instructions yesterday, the opposite party no. 2 has communicated that the attitude of the petitioner and his family members has not changed and that the petitioner is also threatening her with dire consequences.

8. At this juncture, when the Court put a query to learned counsel for the opposite party no. 2 as to how such stand



has been taken when the Court in its order dated 09.02.2021 had directed the Superintendent of Police, Samastipur, to instruct a senior lady Police Officer of the local Police Station to visit the house of the petitioner and provide her mobile contact number to the opposite party no. 2, who was given liberty to call her in case of any emergency and the Superintendent of Police, Samastipur, was required to direct the concerned Police Station and the lady Police Officer to promptly respond to any such call by the opposite party no. 2; whether in terms thereof she has made any complaint, either to the Superintendent of Police, Samastipur or the local Police Station or to the concerned lady Police Officer, learned counsel submitted that no such complaint has been made. The Court is surprised at such stand taken before the Court on behalf of the opposite party no. 2 when already adequate protection and mechanism has been provided by the Court for protection of the opposite party no. 2 in order dated 09.02.2021.

9. Again, on a further query of the Court to learned counsel for the opposite party no. 2 to take a categorical stand in the present matter, he submitted that the opposite party no. 2 has expressed her desire to live in the matrimonial home.

10. At this juncture, when the Court called upon the



learned APP to inform as to whether the directions to the Superintendent of Police, Samastipur, in order dated 09.02.2021, have been complied with, learned APP submitted that he has no instructions.

11. The Court is surprised at such stand of learned APP. However, be that as it may, having considered the matter in totality, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned SDJM, Vaishali at Hajipur, in Complaint Case No. C-1926 of 2017, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner, (iii) that the petitioner shall cooperate with the Court, and (iv) the petitioner shall give an undertaking before the Court that he shall keep the opposite party no. 2 with fully dignity, honour and security and shall take care of all her needs and that she would be free to talk and to and meet anybody she desires, without any let or hindrance, either from the petitioner or his



family members. Any violation of the terms and conditions of the bonds or undertaking and failure to cooperate shall lead to cancellation of his bail bonds.

12. It shall be open for the opposite party no. 2 or her guardian to bring to the notice of the Court concerned any violation of the terms and conditions or the undertaking or otherwise if she feels harassed or threatened in any manner. If such a petition is filed, the Court below shall immediately take up and consider the matter and pass appropriate orders, after hearing the petitioner.

13. Further, the direction issued to the Superintendent of Police, Samastipur, in order dated 09.02.2021 at paragraph no. 6 is reiterated. He shall instruct a senior lady Police Officer of the local Police Station to visit the house of the petitioner and provide her mobile contact number to the opposite party no. 2, who will be at liberty to call her in case of any emergency. The Superintendent of Police, shall direct the concerned Police Station and the lady Police Officer to promptly respond to any such call by the opposite party no. 2.

14. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the petitioner, to the notice of the Court concerned, which shall take



immediate action on the same after giving opportunity of hearing to the petitioner.

15. Registry shall communicate the order to the Superintendent of Police, Samastipur, who shall act in terms of the directions issued immediately.

16. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

J. Alam/-

AFR/NAFR	
U	
T	

