

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10303 of 2022

Arising Out of PS. Case No.-520 Year-2021 Thana- COMPLAINT CASE District- Jamui

KAMAL KISHORE RAWAT Son of - Late Lakshmi Rawat Resident of
Village- Genadih, P.S.- Gidhour, District- Jamui, At present- Quarter No.
D/464 (IFFCO) Musadiya,P.S.- Pradip, District- Jagatisnghpur, (Odisha).

... .. Petitioner/s

Versus

1. The State of Bihar
2. Usha Devi Daughter of Parsadi Mahto C/o Makeshwar Kumar, Resident of
Qtr. No. 104 D, R.M.S. Kiul,P.S.- Kiul, District- Lakhisarai.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar Mishra, Advocate
For the Opposite Party/s	:	Mr. Mukesh Kumar Singh, A.P.P.
For the informant	:	Mr. Ram Sumiran Rai, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

6 12-12-2022 Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel for the informant.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 498A of
the Indian Penal Code.

The complainant alleges that she was married to the
petitioner in the year 1985 and from the wedlock, a daughter
was born which caused anger to the petitioner and he used to
assault and torture the victim for a son, it is further alleged that
no child could be born after the daughter because of which the
petitioner remained upset and used to assault the complainant, it
is further alleged that the petitioner with the support of co-



accused married one Mina Devi to which the victim protested but from the said marriage also, the petitioner could not procreate, on account of which, the complainant was held responsible alleging that she was a witch and she used to get assaulted, it is next alleged that on 19.12.2020, the petitioner ousted her from her matrimonial home.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and has been falsely implicated in the present case, it is next submitted that the allegation that the daughter was born from the wedlock with the complainant is a false allegation as no child was born from the said wedlock, it is next submitted that Mamta Devi, whom the complainant portrays as daughter of the petitioner has given her statement that her mother was married from before and also had a son named Bablu, as such, the learned counsel intends to submit that the complainant prior to getting married with the petitioner was already married and from that marriage, a son Bablu was born.

Learned A.P.P. for the State and the learned counsel for the informant opposes the prayer for anticipatory bail of the petitioner and submits that the allegation against this petitioner is that he married the complainant in the year 1985 and out of



the wedlock a daughter was born namely Mamta and the submission of the learned counsel for the petitioner that complainant was married to some other person prior to her marriage with the present petitioner is false, it is also submitted that petitioner is the only person with whom the complainant had performed her marriage, it is also submitted that the issue, in the present case, is whether Mamta is daughter of the petitioner or not to which there is no submission on the part of the learned counsel for the petitioner denying the said fact that Mamta is not daughter of the petitioner.

Learned counsel for the petitioner, at this stage, submits that he has instructions to make submissions that petitioner is willing to pay an amount of Rs. 10,000/- per month by way of maintenance to the complainant till a Court of competent jurisdiction does not fix the maintenance, it is also submitted that petitioner has also filed an application before the Court of learned Principal Judge Family Court Jagatsinghpur, Odisha for declaring the marriage a nullity, it is thus submitted that in the event if the petitioner succeeds before the learned Principal Judge Family Court Jagatsinghpur, Odisha, then, in that event, the maintenance amount which he is paying would come to an end, it is also submitted that the maintenance will



commence from December 2022.

Learned counsel for the informant submits that he will Whatsapp the account number of the complainant to the learned counsel for the petitioner.

Learned counsel for the petitioner submits that the moment he receives the account number of the complainant on his Whatsapp, he will forward it to the petitioner immediately and the moment the account number of the complainant is Whatsapped to the petitioner, he will start paying the maintenance amount as agreed.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Complaint Case P.S. Case No. 520 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Further, in the event if the complainant files an application before the learned Trial Court bringing to its notice



that the petitioner despite agreeing before this Court is not paying the maintenance amount as agreed or has not paid for two consecutive months, the learned Trial Court shall be entitled to pass orders in accordance with law and shall also have liberty to cancel his bail bonds and to ensure that he is behind bars.

(Satyavrat Verma, J)

HarshPandey/-

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