

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44003 of 2021

Arising Out of PS. Case No.-1141 Year-2019 Thana- BHABHU(KAIMUR) COMPLAIN C
District- Kaimur (Bhabua)

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Bachanu Ram Son of Ramdhani Ram Resident of Village - Masaurah, P.S.-
Durgawati, District - Kaimur (Bhabua).

... .. Petitioner/s

Versus

1. The State of Bihar
2. Prabhawati Devi Daughter of Jamuna Ram Resident of Village - Masaurah,
P.S.- Durgawati, District - Kaimur, At present Shiya Pokhar, P.S.- Mohania,
District - Kaimur (Bhabua).

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Kumar, Advocate with
Mr. Praveen Kumar, Advocate.

For the State : Ms. Sangeeta Sharma, APP.

For the Informant : Mr. Vikash Kumar, Advocate.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

6 01-08-2022 Learned counsel for the petitioner is permitted to

remove defect(s), as pointed out by the office, if any, within a

period of four weeks from today.

Heard Mr. Raj Kumar, learned counsel for the
petitioner, Mr. Vikash Kumar, learned counsel for the informant
as well as Ms. Sangeeta Sharma, learned Additional Public
Prosecutor for the State.



The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Complaint case no. 1141 of 2019 in which cognizance has been taken under Section 498A of the Indian Penal Code.

As per the complaint case, it is alleged that the marriage of the petitioner with the complainant was solemnized in the year 2008, however after some time the complainant was subjected to torture for demand of dowry, which ultimately resulted into filing of the present complaint. It is further alleged that from their wedlock two children were born out, out of which one baby boy was died and a baby girl aged about four years is living with the complainant.

Learned counsel appearing on behalf of the petitioner submitted that admittedly the marriage was solemnised way back in the year 2008 and the complaint has been filed in the year 2019 after eleven years making omnibus allegation of demand of dowry. It is further submitted that though in the complaint she alleged that her husband has solemnized another marriage but as the same was not supported in solemn affirmation, therefore, no cognizance has been taken under Section 494 of the Indian Penal Code. Earlier considering



the aforesaid facts and period of custody, the petitioner was granted provisional bail on 18.02.2022 for the present and the petitioner is on bail since then. It is next submitted that the petitioner being husband is ready to maintain his wife and daughter, if his provisional bail would be confirmed.

On the other hand, learned APP for the State opposes the bail application and submits that in fact, the petitioner has solemnized another marriage and he is not taking any care of his wife and daughter due to which they are at the verge of starvation.

Having considered the submissions made on behalf of the parties and taking into account this fact that this petitioner has already remain in custody for about eleven month before granting provisional bail on 18.02.2022 and moreover, he is ready to give undertaking that he will maintain his wife and daughter, let the provisional bail of the petitioner be confirmed and it is directed that both the parties will appear on the next date fixed in the proceeding before the learned Chief Judicial Magistrate, Kaimur at Bhabua and the learned court below after providing opportunity of hearing to both the parties will fix a substantial amount for maintenance of the wife and the daughter.



Accordingly, the bail application stands disposed
of.

(Harish Kumar, J)

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