

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50091 of 2022

Arising Out of PS. Case No.-1633 Year-2021 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

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Ramjanam Kumar Paswan S/o Shri Mantun Kumar Ray Resident of Ward No. 12, Madhurapur, Puwari Tola, P.S.- Barauni, District- Begusarai, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sinu Kumari D/o Harikant Paswan Resident of Ward No. 12, Madhurapur Puwari Tola, P.S.- Teghra, District- Begusarai, Bihar- 851113

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Ms. Mahima Sharma, Advocate.
For the Informant	:	Mr. Sandip Kumar Gautam, Advocate.
For the State	:	Mr. Sanjay Kumar, APP.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 23-03-2023 Heard Ms. Mahima Sharma, learned counsel appearing on behalf of the petitioner; Mr. Sandip Kumar Gautam, learned counsel appearing on behalf of the opposite party no.2 and Mr. Sanjay Kumar, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Complaint Case No. 1633(c) of 2021 registered for the offences punishable under Section 498(A) of the Indian Penal Code.

3. The dispute relates to strained matrimonial relationship between the petitioner and the opposite party no.2 who has tendered her appearance through Mr. Sandip Kumar Gautam, learned counsel.



4. Ms. Mahima Sharma, learned counsel appearing on behalf of the petitioner has denied the factum of marriage to have been solemnized between the petitioner and the opposite party no.2. It is further submitted that a false allegation has been made in Complaint Case No. 1633(c) of 2021. The marriage allegedly took place in the year 2018, however, in absence of any evidence to that effect, the petitioner cannot be held to be husband of the opposite party no.2. A statement has been made on behalf of the petitioner that the petitioner is already married and he is working as Technician in Indian Railways. In support of the statement, learned counsel appearing on behalf of the petitioner has referred to informatory petition which has been brought on record by way of Annexure-3 and petitioner has also served a legal notice upon opposite party no.2, however no complaint has been filed that the petitioner is being harassed by the opposite party no.2 and her family members and they are threatening him on the basis of marriage which has not taken place between the petitioner and the opposite party no.2.

5. Mr. Sandip Kumar Gautam, learned counsel appearing on behalf of the opposite party no.2 submitted that the marriage between the opposite party no.2 and the petitioner was solemnized in the year 2018 as per the Hindu Rites and Rituals



and in absence of any application filed to declare the claim of the opposite party no.2 null and void, the petitioner must have availed the appropriate remedy before the competent Civil Court. The marriage as has been claimed by the opposite party no.2 to have been solemnized in the year 2018 and attended by the co-villagers and relatives of both the parties and close family members of the petitioner. The petitioner who is having illicit relationship with another female is bent upon to desert the opposite party no.2.

6. This Court finds that endeavour be taken by the counsels to settle the matrimonial dispute between the parties taking into consideration that it cannot be expected from the informant to put the dignity of her daughter by adding her name with an unknown person. The respective counsels were directed to contact their respective client. Ms. Mahima Sharma, learned counsel appearing on behalf of the petitioner informed that she is having second hand brief, as such, in absence of any mobile phone of the petitioner, she is not able to contact the petitioner.

7. Mr. Sandip Kumar Gautam, learned counsel appearing on behalf of the opposite party no.2 informed that he is ready to provide mobile number of the petitioner. He further submitted that the opposite party no.2 is also ready to reconcile



the matrimonial relationship on any terms and conditions which are imposed on her subject to the condition that the petitioner keeps her with full dignity and honour.

8. Learned counsel appearing on behalf of the petitioner informed that the petitioner as on date has not solemnized second marriage. Therefore, the question of dissolution of marriage or declaring the marriage null and void does not arise.

9. The petitioner who is working as Technician in Indian Railways and it seems that he was restricted to remain at the place of posting during COVID-19 Pandemic could not establish intimate relationship with the opposite party no.2 has resulted into strained relationship. However, considering the willingness of the opposite party no.2 who is now ready to live with the petitioner, it would be in the interest of the parties to reconcile their strained relationship. Interim protection has already been granted to the petitioner vide order dated 08.12.2022. The petitioner, above named, is directed to forthwith appear before the Superintendent of Police, Begusarai who will ensure police protection to the petitioner to visit opposite party no.2 who as per the submission made at the Bar is willing to live along with the petitioner.



10. The Superintendent of Police, Begusarai is further directed to depute a female police officer, not below the rank of the Dy. S.P., who will within a week take measures to reconcile the matrimonial dispute between the parties and if the couple are ready to live together without any complaint, then a report is required to be furnished before the Judicial Magistrate 1st Class, Begusarai who will grant provisional bail to the petitioner and thereafter he is required to see the conduct of the either parties for a period of one year and should also strive to reconcile the matrimonial dispute between the husband and the wife who are willing to live together and if he finds that no complaint is made by the either parties during the aforesaid period, the provisional bail granted to the petitioner must be made absolute on such terms and conditions as the court below deem it fit and proper and the conditions as laid down under Section 438 (2) of the Cr.P.C.

11. Let a copy of this order be communicated to the Superintendent of Police, Begusarai.

12. With the aforesaid observation and direction, the bail application stands disposed of.

(Purnendu Singh, J)

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