

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56673 of 2023

Arising Out of PS. Case No.-408 Year-2021 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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NARENDRA KISHOR PANDEY S/o Late Chandrakishor Pandey R/O-
Kamalnath Nagar, Opposite St. Michael School, Ward No. 23, P.S.-Bettiah
(Town), District-West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. LOVELY PANDEY @ PRIYANKA PANDEY W/o Narendra Kishor Pandey, D/o Late Surendra Mishra R/o Kamalnath Nagar, Opposite St. Michael School, Ward No. 23, P.S.-Bettiah (Town), District-West Champaran. Present Address-Village-Manpur, Makri, P.S.-Bathwariya, District-West Champaran

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Bimlesh Kumar Pandey, Adv
For the Opposite Party/s	:	Mr. Dilip Kumar No.1, APP
For the O.P No.2	:	Mr. Sachida Nand Rai, Adv

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 21-12-2023 Heard learned counsel Mr. Bimlesh Kumar Pandey for the

for the petitioner, learned counsel Mr. Sachida Nand Rai for the

O.P. No.2 and Mr. Dilip Kumar No.1, learned APP for the State.

2. The petitioner apprehends his arrest in a case

registered for the offences punishable under Section 498A of

the Indian Penal Code.

3. Petitioner, who is husband of complainant, is said to

have ousted her from the matrimonial home in association of his

family members over the dowry demand.

4. It is submitted by learned counsel for the petitioner



that the petitioner is an innocent person and has committed no offence. Petitioner has neither made any dowry demand nor drove her out of her matrimonial home nor tormented her over the demand of dowry. He submits that the petitioner had filed a Divorce Case bearing Divorce Suit No.110 of 2014 before the Family Court, Bettiah thereafter the present complaint has been filed by the complainant. He submits that the O.P. No.2 has solemnized marriage with another person. He further submits that maintenance case has been filed by the complainant in the learned Court below in which petitioner has been directed to pay Rs.2,000/- per month as interim maintenance to the O.P. No.2 to which the petitioner has paid and is ready to pay.

5. Learned APP for the State as well as learned counsel for the O.P. No.2 oppose the prayer for bail. Learned counsel for the O.P. No.2 submits that the allegation of solemnizing second marriage against the O.P. No.2 is false and baseless.

6. Petitioner is agreed to pay the amount of Rs.2000/- (Rupees Two Thousand) per month to the O.P. No.2 as fixed by the Family Court below. If the petitioner fails to pay the aforesaid amount on two consecutive months, informant/complainant shall be at liberty to move before the learned Court below for cancelling the bail bond of the



petitioner.

7. It goes without saying that the aforesaid payment shall be subject to any order being passed in matrimonial maintenance case or any other collateral proceedings.

8. In that view of the matter, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Complaint Case No.408C of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.,

9. Learned counsel for the complainant is directed to furnish the bank account details of the complainant in the learned Court below. If she fails to furnish the same, the aforesaid amount will be deposited in the learned Court below which will be released in favour of the informant/complainant after she furnishes her bank account details.

10. If so advised, either of the parties will be at liberty to make an application before the learned Court below for referring the matter to the District Mediation Center for the purpose of



reconciliation or one time settlement.

11. With the aforesaid observation and direction, this application stands disposed of.

(Anjani Kumar Sharan, J)

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