

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 60919 of 2023

Arising Out of PS. Case No.-630 Year-2023 Thana- PURNIA COMPLAINT CASE District-
Purnia

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RAJESH RISHI, son of Barneshwar Rishi Village- Kajhi Hriday Nagar P.S.-
Banmankhi Dist- Purnea

... .. Petitioner/s

Versus

1. The State of Bihar
 2. Khushbu Devi wife of Rajesh Rishi, D/o- Jageshwar Rishidev Village-
Satghara W.No-9, Panchayat- Kachahri Balua P.S.- Sarsi Dist- Purnea
- Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gopal Kumar Jha, Advocate
For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 06-12-2023 Heard Mr. Gopal Kumar Jha, learned counsel

appearing on behalf of the petitioner and the learned APP for the

State.

2. The petitioner, who happens to be the husband of
opposite party no.2, is apprehending his arrest in connection
with Complaint Case No. 630 of 2023 instituted for the offences
punishable under Sections 323, 498(A), 494 of the Indian Penal
Code, wherein cognizance has been taken only for the offence
under Section 498(A) of the Indian Penal Code.

3. The marriage of the petitioner was solemnized with
opposite party no.2 in the year 2010 and from the said wedlock
two children were also born. However, soon thereafter opposite
party no.2 was subjected to demand of dowry and on account of



non-fulfillment of the same, she was put to torture and harassment and ultimately ousted from the matrimonial house. That apart, the petitioner has solemnized another marriage.

4. It is submitted on behalf of the petitioner that in fact on account of certain differences between the couple, the present complaint has been instituted, moreover, it is the admitted fact that the marriage was solemnized in the year 2010 and, as such, any allegation of demand of dowry does not inspire confidence. He next submitted that despite the aforesaid fact, the petitioner is still ready to keep the opposite party no.2, as his wife with full honour and dignity.

5. On the other hand, learned APP for the State opposes the bail application and submits across the Board that the petitioner has solemnized second marriage and, as such, it is very difficult for opposite party no.2 to reside with him, however, if there is any chance of settlement, let the matter be sent to the Mediation Centre.

6. It is to be noted that earlier vide order dated 06.10.2023, notice was issued to opposite party no.2 and despite valid service of notice, she did not enter her appearance.

7. Considering the aforementioned fact, let the petitioner, named above, in the event of his arrest or surrender before the



court below within four weeks from the date of receipt/ production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Purnea in connection with Complaint Case No. 630 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with the further condition that one of the bailors shall be the own/close relative of the petitioner.

8. It is further directed that the learned court below shall take initiatives to settle the matter between the parties after giving opportunity of hearing to both of them.

(Harish Kumar, J)

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