

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.983 of 2022

Arising Out of PS. Case No.-600 Year-2018 Thana- COMPLAINT CASE District- Araria

Babul Kumar, Son of Rama Nand Mandal, Resident of Village - Ghaghri, P.O
- Mirzapur, P.S. Bousi (Basaiti), Dist Araria, Bihar - 854312

... .. Petitioner

Versus

1. The State of Bihar
2. Pinky Devi, D/O Surendra Prasad Vishwas, W/O Babul Kumar, Resident of Village Kabaiya, Ward No 1, P.S- Bausi (Basaiti) P.O. Karankiya, Dist- Araria

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Sanjeev Kumar, Advocate
For the State	:	Mr. Nand Kumar, APP
For the O.P. No. 2	:	Ms. Mukul Kumari, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 13-12-2023 Heard learned counsel for the petitioner, learned counsel for the opposite party no. 2 and Mr. Nand Kumar, learned APP for the State.

2. The petitioner in the present case is seeking pre-arrest bail in connection with Complaint Case No. 600 (C) of 2018 in which cognizance has been taken under Section 498A of the Indian Penal Code. He has no criminal antecedent.

3. As per the prosecution story, on 11.05.2005, the complainant was married to the petitioner and at the time of marriage, the parents of the complainant had given cash, jewelry and furniture to the petitioner. It is alleged that on 23.01.2007 when the complainant went to her matrimonial house, she was being tortured for dowry for buying tractor and land. On

12.10.2008, the complainant was ousted from her matrimonial house.

4. Learned counsel for the petitioner submits that the opposite party no. 2 has lodged a complaint case in the year 2018 alleging that the petitioner and his parents were demanding dowry and due to non-fulfillment of the demand, she was tortured, beaten and treated like a maid. It is submitted that the allegations are completely false, concocted and baseless which would be evident from the statement of the complainant made on oath in the complaint case.

5. Learned counsel submits that in her statement, she has categorically stated that she was living in her *maiye* since the year 2008 and neither her husband took her to the matrimonial home nor she went there. She has further stated that she never tried for this and had not lodged any case in this regard. It is, thus, submitted that admittedly at least for eleven years prior to filing of the complaint case, opposite party no. 2 had never gone to her *sasural*.

6. It is further submitted that in the maintenance case, an interim order of maintenance has been passed and the petitioner is paying a sum of Rs.5,000/- per month to opposite party no. 2.

7. Learned counsel submits that subject to any final order which may be passed in the maintenance case, the petitioner would himself offer a further sum of Rs.2,000/- per month at this stage and he will pay total Rs.7,000/- per month from the next month within first seven days of every month in the account of opposite party no. 2.

8. Learned counsel for the petitioner submits that the interim maintenance is being paid regularly and there is no dues, if there will be any dues, the same will be paid prior to furnishing the bail bond.

9. Learned counsel for the opposite party no. 2 has though opposed this application as according to her, the petitioner has neglected his wife and minor son and it is only because of the demand of dowry that the matrimonial discord had taken place compelling the opposite party no. 2 to stay in her *maiye*.

10. Learned APP for the State has endorsed the submission of learned counsel for the opposite party no. 2.

11. Having regard to the facts and circumstances of the case, considering the submission that the complaint case has been lodged after about eleven years of stay of opposite party no. 2 in *maiye* and she never tried to go to her matrimonial

house and at the same time did not lodge any case during all this period, further considering that the petitioner has come forward to show his bonafide to pay a further sum of Rs.2,000/- apart from the interim maintenance amount earlier allowed to the opposite party no. 2, this Court directs that in case of his arrest or surrender within a period of four weeks from today, the petitioner above-named shall be released on bail in connection with Complaint Case No. 600 (C) of 2018 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., VI, Araria, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

12. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

13. And further condition that in terms of his own undertaking, the petitioner shall pay the outstanding amount of

arrear of interim maintenance, if any, to opposite party no. 2 and shall continue to pay the interim maintenance awarded by the court with a further sum of Rs.2,000/- as offered by him.

14. This application stands allowed.

(Rajeev Ranjan Prasad, J)

lekhi/-

U		T	
---	--	---	--