

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70318 of 2023

Arising Out of PS. Case No.-6 Year-2023 Thana- PATNA COMPLAINT CASE District-
Patna

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Rohit Kumar Son Of Rajendra Kumar Resident Of Village- Mujahidpur, Ward
No. 1, Ps- Ntpc, Barh, Dist- Patna. Petitioner/S

Versus

1. The State Of Bihar.
2. Chanda Kumari Daughter Of Upendra Ram Resident Of Village-
Mujahidpur, Ward No. 1, PS- NTPC Barh, Dist- Patna.
... ... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Suraj Kumar, Advocate
For the Opposite Party/s	:	Mr. Suresh Prasad Singh, Advocate
	:	Mr. Chandra Sen Prasad Singh, Advocate
For the State	:	Mr. Ajit Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 01-11-2023 Heard Mr. Suraj Kumar, learned counsel appearing
on behalf of the petitioner, Mr. Suresh Prasad Singh learned
counsel appearing on behalf of the opposite party no.2 and Mr.
Ajit Kumar, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Complaint Case No.06 of 2023 registered for the offence
punishable under Sections 494, 406, 498(A) of the Indian Penal
Code along with section 3/4 of the D.P. Act.

3. Prosecution story, in brief, is that the complainant
Chanda Kumari has filed a complaint petition stating therein
that she was married to the petitioner Rohit Kumar on
08.06.2017 and for the marriage Rs.2,51,000/- cash and
Rs.55,000/- for motorcycle and ornaments were given. Two

children, both of them being female, were born out of the wedlock. It is further alleged that the accused persons demanded Rs.2,00,000/- as dowry and due to non-fulfillment of the demand, the accused person started torturing the complainant and on 22.12.2022, the accused persons kept all the ornaments and the complainant was forced to leave the house and move to her maternal house.

4. Learned counsel appearing on behalf of the complainant submits that, the petitioner is in relationship outside of marriage with a woman who is an employee of the Bandhan Bank. However, such relationship would not allow the petitioner to desert the complainant without there being any divorce decree between the parties.

5. The complainant is present in the Court along with her minor child.

6. Learned counsel appearing on behalf of the petitioner seeks time in the matter.

7. Considering the allegation that the petitioner is having relationship with a lady outside the marriage without having obtained a divorce decree. In absence of any matrimonial case being pending between the parties, I am prima- facie of the opinion that the present case is not a fit to release the petitioner

on bail, however, Mr. Suraj Kumar learned counsel appearing on behalf of the petitioner at this stage request to seek instructions from the petitioner as to whether he is ready to live along with the O.P. No.2, on terms to which she agrees. After sometime he informs on the basis of the instruction of the petitioner that petitioner has telephonically informed him that he is concerned for the well being of the complainant, who is his legally wedded wife and that he has two minor children, who were born out of the wedlock. He further informs that the petitioner has instructed him that he is ready to make payment of sum of Rs.5,00,000/- within a period of one month to the O.P. No.2 and Rs.7,000/- per month, for proper care and education of the two minor children. He further submits that petitioner will also provide separate accommodation to the complainant and his minor children in his parent's home, till final order is passed in matrimonial case.

8. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail of the petitioner.

9. Considering the above submission made on behalf of the petitioner, who has given his undertaking telephonically to his counsel in presence of Mr. Chandra Sen Prasad Singh, learned counsel appearing on behalf of the complainant, I find it

in the interest of the complainant and two minor children, that the petitioner be released on **provisional bail** for the period of one month, during which, as per the undertaking, he is required to deposit a sum of Rs.5,00,000/- in lump-sum and thereafter Rs.7,000/- every month and he is also directed to file an affidavit to the extent that he has provided the complainant with separate accommodation of atleast two rooms in his residence and the family members should not interfere in any manner or cause any harm to the complainant.

10. Learned counsel appearing on behalf of the petitioner at this stage again informs that petitioner has lost his job during pandemic period.

12. The Court below is further directed to verify the information given on behalf of the petitioner by issuing necessary directions in this regard to the local police. In case, it is found that the petitioner is working in any organization, in that circumstance Rs.7000/- per month is directed to be credited into the bank account of Opposite No.2 directly from the salary of the petitioner by the manager concerned of the organization.

13. The petitioner, above named, is directed to be released on **provisional bail**, in the event of their arrest or surrender before the Court below within a period of four weeks

from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Barh, Patna in connection with Complaint Case No.06 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

14. In case of failure of the petitioner to abide the under-taking given before the Court, in that event the Court below is directed to inform the Senior Superintendent of Police to arrest the petitioner in accordance with law.

15. The Senior Superintendent of Police is directed to inform the Investigating Officer to attend the Court on the date fixed.

16. In case the order is not complied in the manner as directed and observed hereinabove then the bail bond of the petitioner shall be canceled.

(Purnendu Singh, J.)

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