

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10388 of 2024

Arising Out of PS. Case No.-469 Year-2020 Thana- COMPLAINT CASE District- Jamui

Dipak Pandey S/o- Basudeo Pandey Village- Bhitiya, P.S-. Kunda, Dist-.
Deoghar, Jharkhand

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kundani Devi W/o Dipak Pandey Vill.- Kala, P.S. Laxmipur, Dist.- Jamui.

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Pankaj Sinha, Advocate
For the State	:	Mrs. Meena Singh, APP
For the O.P.2	:	Mr. Amrendra Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

6 23-07-2024 Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel for the complainant /
opposite party no. 2.

2. The petitioner apprehends his arrest in a complaint
case punishable for the offence under Sections 498(A), 120(B),
494, 323, 504 and 34 of the Indian Penal Code.

3. As per the prosecution case, the marriage of the
complainant was solemnized with petitioner on 20.06.2004 and
after three years of marriage, she was subjected to torture and
harassment by this petitioner and his family members due to
non-fulfillment of demand of Rs. 20,000/- and a motorcycle in
the form of dowry and as such, complainant lodged a complaint,
vide Complaint Case No. 21 of 2014, however later on, the case



was compromised, but on 10.05.2020, the petitioner solemnized second marriage with another lady and complainant was ousted from her matrimonial home.

4. Learned counsel for the petitioner submits that marriage of petitioner with opposite party no. 2 was solemnized 20 years ago and petitioner had taken steps to get restitution of the conjugal rights, but it could not happen. By way of filing supplementary affidavit, learned counsel for the petitioner submits that pursuant to order dated 19.07.2022 passed in Maintenance Case No. 17M of 2016 by learned Principal Judge, Family Court, Jamui, the petitioner is paying Rs. 6,000/- (six thousand) per month as maintenance to opposite party no. 2 and petitioner undertakes to pay the same regularly.

5. However, learned counsel for the opposite party no. 2 vehemently opposes the prayer for anticipatory bail and submits that arrears of maintenance amount has not been paid till date to the opposite party no. 2.

6. Considering the fact that petitioner is paying Rs. 6,000/- (Rupees Six Thousand) per month to the opposite party no. 2 and undertakes to pay the same regularly, the prayer for anticipatory bail of petitioner is allowed.

7. Accordingly, in the event of arrest/surrender before



the Court below within a period of six weeks from today, let the above named petitioner be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Jamui in connection with Complaint Case No. 469C of 2020, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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