

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56913 of 2023

Arising Out of PS. Case No.-839 Year-2022 Thana- SAHARSA COMPLAINT CASE
District- Saharsa

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PRAVIN KUMAR @ PRAVESH KUMAR SON OF RAM PRASAD SAH
RESIDENT OF VILLAGE - TERHI, WARD NO.8, P.S. - GAMHARIYA,
DISTRICT - MADHEPURA

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. PUJA KUMARI DAUGHTER OF SHIV SHANKAR KUMAR RESIDENT
OF SARASWATI NAGAR, WARD NO.1, P.S. AND DISTRICT -
SAHARSA

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Dr. Bidhu Ranjan
For the Opposite Party/s :	Mr.Bishweshwar Ram
	Mr. Vivek Kumar

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**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

10 13-08-2024 Heard the learned counsel for the petitioner and

learned APP for the State, assisted by learned counsel for the

complainant.

2. The petitioner apprehends his arrest for the
offences alleged under Sections 323, 494, 498 and 120B of the
Indian Penal Code, registered in connection with Complaint
Case No. 839 (C) of 2022.

3.As per the allegation, the petitioner solemnized
marriage with the complainant in the year 2016. The
complainant was leading her life peacefully in her matrimonial



home. Meanwhile, two baby girls were born out of the wedlock of the couple. Thereafter, the petitioner started inflicting atrocities on the victim for non-fulfilment of demand of dowry of Rs. 5,00,000/- cash. It is further alleged that the petitioner has solemnized his second marriage with one Khushbu Kumari.

4. The learned counsel for the petitioner has submitted that the petitioner tried his level best to keep the victim with full honour and dignity and he filed a case for restitution of conjugal rights under Section 9 of the Hindu Marriage Act, but the victim was adamant on her stand, and it was the reason that the petitioner solemnized his second marriage.

5. The learned counsel for the complainant has submitted that the victim is residing at her native place with her two children and passing her days in financial scarcity and hardship. Further submission of the learned counsel is that the institution of the case for restitution of conjugal rights is nothing but a defensive approach on the part of the petitioner.

6. Be that as it may, it is an admitted fact that the petitioner has solemnized his second marriage with one Khusbu Kumari. The victim is passing her miserable days with her two female children at her native place in an extremely financial scarcity.



7. Considering the above facts and circumstances, let the petitioner above-named, in the event of his arrest or surrender within four weeks from the date of communication of this order, be released 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 Judicial Magistrate 1st Class, Saharsa in connection with Complaint Case No. 839 (C) of 2022, **subject to the conditions as laid down under Section 438(2) Cr. P.C. with further that the petitioner shall pay a sum of Rs. 7,500/- to the victim per month, as maintenance for herself as well as for her two female children. The payment of maintenance shall be subject to any other finding in respect of the maintenance of the competent court. The amount of maintenance shall be deposited in the bank account of the complainant by the 10th day of every month, failure of which shall lead to cancellation of bail bond of the petitioner.**

(Nawneet Kumar Pandey, J)

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