

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52704 of 2024

Arising Out of PS. Case No.-30 Year-2021 Thana- MAHILA PS District- Jamui

Diwakar Kumar @ Diwakar Pandey Son of Gorelal Pandey Resident of
Village - Pursanda, Police Station - Sikandra, District - Jamui.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Sanju Kumari Daughter of Surendra Pandey Resident of Village - Dhanway,
Police Station - Sikandra, District - Jamui.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar Sharma

For the Opposite Party/s : Mr.Syed Ehteshamuddin

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 16-01-2025 Pursuant to order of this Court, the matter was referred to Mediation & Conciliation Centre of Patna High Court, but the dispute between the parties could not be resolved through the process of mediation and as such, mediation failed (Report kept at flag 'M').

2. Heard learned counsel for the petitioner, the State and the opposite party no.2.

3. The petitioner, who is husband of opposite party no.2, apprehends arrest in a case registered for the offence punishable under Sections 498A, 494, 506 and 34 of the Indian Penal Code and sections 3 and 4 of the D.P. Act.

4. As per the prosecution case, the informant was



married with the petitioner on 25.02.2020 as per Hindu rituals. After marriage she went along with her husband to her in-laws house where all the accused persons including this petitioner started committing torture for demand of dowry and ultimately on 16.04.2021 she was ousted from the matrimonial house.

5. Learned counsel for the petitioner submits that Sanju Kumari, O.P. No. 2 who claims to be legally wedded wife of the petitioner is not legally wedded wife of the petitioner. The petitioner was forced to marry with Sanju Kumari though he has already married with one Sneha Kumari on 27.12.2019. For the said forced marriage he has filed an informatory petition and also a petition under Section 13 of the Hindu Marriage Act for dissolution of marriage. In fact the informant is suffering from mental disease. However, the petitioner is ready to give Rs. 3000/-per month to opposite party no.2 by way of temporary relief/solace, starting from this month to the opposite party no.2.

6. Learned counsel for the State as well as opposite party no.2 oppose the prayer for bail. Learned counsel for opposite party no.2 submits that the petitioner being husband of opposite party no.2, in connivance with his family members, subjected her to harassment and cruelty for non-fulfillment of demand of dowry and ousted her to her parents' house. It is



further submitted that she has no means of livelihood and is on the verge of starvation.

7. In view of the undertaking of learned counsel for the petitioner as well as condition of opposite party no.2, in the event of arrest/surrender within a period of eight weeks from today, let the petitioner, above-named, 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 the Chief Judicial Magistrate, Jamui in connection with Jamui Mahila P.S. Case No. 30 of 2021 subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure as well as on the following conditions:-

(i) Opposite party no.2. would file an affidavit before the court below and bring on record her saving bank account number for its communication to the petitioner.

(ii) Petitioner would deposit the aforesaid interim relief per month in the saving bank account of the opposite party no.2.

(iii) In case, petitioner fails to deposit the aforesaid amount of temporary relief/solace for two consecutive months, the court below would be at liberty to cancel the bail-bond.

(iv) The aforementioned payment will be subject to



any order passed in matrimonial, maintenance or connected proceedings. The present order, in no way, will preclude the parties to resolve the issue otherwise.

(Prabhat Kumar Singh, J)

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