

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71556 of 2024

Arising Out of PS. Case No.-371 Year-2023 Thana- ROHTAS COMPLAINT CASE District-
Rohtas

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Manish Kumar @ Manish Kumar Ram S/o Sanjay Ram Resident Of Tendua,
PS- Sanjhauli, District- Rohtas at Sasaram

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Asha Kumari D/o Babudhan, W/o Manish Kumar @ Manish Kumar Ram
R/o Tendua, P.S. - Sanjhauli, Distt. - Rohtas at Sasaram, At present residing
at Barna Dehri, P.S. - Rajpur, Distt. - Rohtas at Sasaram

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Chhote Lal Mishra
For the Opposite Party/s : Mr.Anant Kumar 1

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

6 24-06-2025 Heard learned counsel for the petitioner, learned

counsel for the informant/opposite party no. 2 and learned APP

for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 379, 323,
494 and 498A of the Indian Penal Code and Section 3/4 of the
Dowry Prohibition Act.

3. Petitioner, who is husband of opposite party no2., is
said to have ousted the opposite party no.2 from her
matrimonial home in association of his family members over the
dowry demand.

4. Learned counsel for the petitioner submits that the
petitioner had married in the year 2021 and subsequently the



present marriage was done with the complainant forcibly by the family members of the complainant. The petitioner already has a full family of a wife and a child whom he has to take care of. The allegations made in the complaint are not correct and a supplementary affidavit has been filed on behalf of the petitioner with regard to his marriage in the year 2021 and by way of such affidavit, he has also brought on record Complaint Case No.428 of 2023 to show that the petitioner had filed a case against the complainant and her family to show that he was forcibly married with the complainant.

5. Learned counsel for the O.P. No.2, per contra, submits that the submissions made on behalf of the petitioner are not correct and he invites the attention of this Court to the fact that it has been stated in the main petition that the petitioner is ready to keep the complainant/O.P. No.2 with full dignity and honor. It is now that he is going back on his words and only after the present complaint case was filed on 01.06.2023, another complaint case was filed by the petitioner on 15.06.2023 after due thought and deliberation for creating a defense.

6. Taking the rival contentions in view, it appears that the petitioner has taken a delayed step towards filing a



complaint case against the informant and her family and he has not taken any other steps to get the marriage with the O.P. No.2 annulled.

7. In such view of the matter, it would be reasonable that the petitioner would at least pay an amount of Rs.2000/- per month to the O.P. No.2 in her account. It goes without saying that the aforesaid payment shall be subject to any order passed in matrimonial maintenance case or any other collateral proceeding. Let the above named petitioner, be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-1st, Bikramganj, Rohtas, in connection with Bikramganj Complaint Case No. 371 of 2023 subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure/Section 482 (2) of the B.N.S.S., 2023 and subject to the further condition that the petitioner shall co-operate in the investigation/trial. If the O.P. No.2 furnishes the bank account in which the amount can be transferred, and yet the petitioner fails to give the aforesaid amount on two consecutive dates to opposite party no.2, the O.P. No.2 would be at liberty to file cancellation of bail.

8. However, in case the petitioner is able to prove his



case by way of substantial evidence that the marriage with the O.P. No.2/complainant was a forcible one, in such view of the matter, learned Court concerned would consider stopping of the payment of the present amount of Rs.2000 per month.

(Soni Shrivastava, J)

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