

Srikant Kumar @ Shrikant Kumar vs The State Of Bihar on 6 January, 2025

Author: Hrishikesh Roy

Bench: Hrishikesh Roy

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IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL No(s). 2025
(Arising out of SLP (CrL.) No(s).13083/2023

SRIKANT KUMAR @ SHRIKANT KUMAR

Appellant (s)

VERSUS

THE STATE OF BIHAR & ANR.

Respondent (s)

O R D E R

Leave granted.

2. Heard Ms. Fauzia Shakil, learned counsel appearing for the appellant.

3. The Office Report dated 13.12.2024 indicates that notice was duly served on the respondent no.2 (informant/wife) but she has failed to enter her appearance.

4. The State of Bihar is represented by Mr. Anshul Narayan, learned counsel.

5. Notice in this case was issued on 16.10.2023, with the following order:-

“... The counsel would firstly submit that while maintenance @ Rs.4,000/- per month may not be a large amount, the concerned marriage has a peculiar history. It is then submitted by Mr. Alam that in fact the petitioner was abducted by the family of the second respondent and a marriage like ceremony was organised.

Thereafter, the petitioner has filed the complaint Case No. 1231 of 2022 before the Chief Judicial Magistrate, Purnea.

10:41:18 IST The Matrimonial Suit No. 76 of 2023 was also filed by the petitioner before the Family Court, Purnea seeking annulment of marriage with the respondent

(Archana Kumari) where it is averred that on 14.05.2022 at about 8 a.m., the petitioner was assaulted and abducted by the family of the girl and they forcibly got the petitioner to join a marriage ritual, by confining him to a closed room under threat and intimidation.

Issue notice, returnable in four weeks. The petitioner is permitted to serve Dasti notice additionally, on the Standing Counsel for the State of Bihar.”

6. The learned counsel for the appellant submits that since it was a forced marriage of the appellant, he has moved the competent Court for annulment of the marriage and the proceedings are pending before Family court, Purnea. It is then pointed out that the respondent no.2 has filed an application under Section 125 of the CrPC, claiming maintenance from the appellant.

7. With the above, the counsel argues that the High Court while considering bail, should not have imposed a pre- condition on the appellant for paying maintenance (Rupees Four Thousand per month), as was recorded in the impugned order dated 17.07.2023.

8. Mr. Anshul Narayan, learned government counsel, in his turn, submits that that the said direction for paying maintenance in the bail order was incorporated only because the appellant’s counsel made the offer to provide maintenance to the informant. This was specifically recorded in the Paragraph 4 of the Court’s order dated 17.07.2023.

9. When application for bail is filed, the Court is required to impose such bail conditions which would ensure that the appellant does not flee from justice and is available to face Trial. Imposing conditions which are irrelevant for exercise of power under Section 438 of the CrPC would not therefore be warranted.

10. On this, Ms. Fauzia Shakil, learned counsel has relied upon Munish Bhasin and Others vs. State (Government of NCT of Delhi) and Another, reported in (2009) 4 SCC 45.

11. Having considered the above, we are of the view that the bail condition imposed by the High Court directing the appellant to pay Rupees Four Thousand per month as maintenance to the informant (respondent no.2) was not merited. The same is accordingly set aside and quashed. However, appellant is bound to remain available and face the trial as required by law. The learned Trial Court should therefore impose appropriate bail condition(s) to facilitate the appellant to remain on bail, while availing bail under the impugned order dated 17.07.2023.

12. With above limited interference with the impugned order, the appeal is disposed of. Pending application(s), if any, stand closed.

..... J.

[HRISHIKESH ROY] J.

[S.V.N. BHATTI] NEW DELHI;

JANUARY 06, 2025

ITEM NO.27

COURT NO.4

SECTION II-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.) No(s).13083/2023 [Arising out of impugned final judgment and order dated 17-07-2023 in CRLM No. 52739/2022 passed by the High Court of Judicature at Patna] SRIKANT KUMAR @ SHRIKANT KUMAR Petitioner(s) VERSUS THE STATE OF BIHAR & ANR. Respondent(s) IA No. 209603/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT IA No. 209607/2023 - EXEMPTION FROM FILING O.T.) Date : 06-01-2025 This matter was called on for hearing today. CORAM :

HON'BLE MR. JUSTICE HRISHIKESH ROY HON'BLE MR. JUSTICE S.V.N. BHATTI For Petitioner(s) Ms. Fauzia Shakil, AOR For Respondent(s) Mr. Anshul Narayan, Adv.

Mr. Prem Prakash, AOR UPON hearing the counsel the Court made the following O R D E R Leave granted.

The appeal is disposed of in terms of the signed order.

Pending application(s), if any, stand closed.

[DEEPAK JOSHI]
ASTT. REGISTRAR - cum - PS

[KAMLESH RAWAT]
ASSISTANT REGISTRAR

(Signed Order is placed on the File)