

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.40038 of 2015

Arising Out of PS.Case No. -1430 Year- 2014 Thana -DARBHANGA COMPLAINT CASE
District- DARBHANGA

Nand Kishore Paswan, Son of Shri Prem Lal Paswan, Resident of village –
Mabbi, Police Station – Sadar (Mabbi O.P.) and District – Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Kavita Devi Wife of Nand Kishore Paswan, Resident of Village –
Mabbi, Police Station – Sadar (Mabbi O.P.) and District – Darbhanga.
At present D/o Sri Mahavir Paswan, Resident of village – Posanpura,
Police Station – Sadar, District – Darbhanga.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Girish Chandra Jha

For the Opposite Party/s : Mr. Atul Chandra(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 27-08-2015

Heard learned counsels for the petitioner and the
State.

The petitioner being the husband of the
complainant is apprehending his arrest in a complaint case wherein
process has been directed to be issued after cognizance being
taken for the offences punishable under Section 498A of the

Indian Penal Code and 3/4 of Dowry Prohibition Act.

The basic accusation is of torture for non-fulfillment of the dowry demand.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant. The complainant earlier filed Darbhanga Sadar P.S. Case No. 199 of 2004 with accusation under Sections 498A, 323 and 504 of the Indian Penal Code wherein petitioner has been acquitted and thereafter the present complaint has been filed. Though, the petitioner is still ready to keep the complainant as wife with full dignity and honour, but statement to that effect has not been made in the petition.

Considering the fact that the petitioner has been acquitted in the earlier case and it appears that during the pendency of the earlier case the complainant has not resided with the petitioner, let the above named petitioner be released on anticipatory bail in the event of his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Darbhanga in connection with Complaint Case bearing C.R. No. 1430 of 2014, subject to the conditions as laid down

under Section 438(2) of the Cr.P.C.

The grant of bail will not preclude the complainant to resume conjugal life. If she files such an application then the petitioner will be obliged to comply the undertaking given before this Court.

(Dinesh Kumar Singh, J)

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