

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49547 of 2014

Arising Out of PS.Case No. -393 Year- 2013 Thana -KHAGARIA COMPALINT CASE District-
KHAGARIA

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1. Deepak Kumar @ Deepak Paswan S/o Late Yogendra Paswan Resident
of Village - Bochahi, Kalyanpur, P.S. - Muffasil, District - Munger. At
present residing at North of Bolpur Station near Surifira Durga Mandir
Pokhar, P.S. - Bolpur, District - Birbhum (West Bengal)

.... Petitioner/s

Versus

1. The State of Bihar

2. Sabita Kumari W/o Deepak Kumar @ Deepak Paswan Resident of
Village - Gogri, Brahman Tola, P.S. - Gogri, District - Khagaria

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Singh

For the Opposite Party/s : Mr. Pradip Nr. Kumar (App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

5 21-08-2015

The matter was mentioned this morning stating that

the petitioner had assaulted the opposite party no. 2. Taking
serious view of the matter, the matter was listed before this court.

The petitioner alongwith his three children are
present before me in chambers. I have interacted with each of
them individually. All of them stated that there was absolutely no
incident of assault rather opposite party – no. 2 herself on some
pretext, went away. They were waiting for half an hour but
the opposite party no. 2 did not come back. Thereafter,
the petitioner alongwith his children went to find
whereabouts of the O.P. No.2 from the advocate,
namely, Ms. Sudha Ambastha, who had appeared in this Court



Yesterday in support of the claim of opposite party no. 2, it was learnt that opposite party no. 2 had gone and was present in her chamber. This morning opposite party no. 2 appeared alongwith her counsel stating that she had been brutally assaulted by the petitioner and thus, this court was seriously inclined to cancel the anticipatory bail, granted yesterday i.e. 20.08.2015 in favour of the petitioner. However, it appears that false submission has been made by opposite party no. 2 for reasons, best known to herself. It is evident that opposite party no. 2 does not wish to stay with the petitioner and has created this false story only to malign him and get the order passed in his favour cancelled.

After interacting with the children, it is apparent that they wish to go home with their father. Permission is granted. However, petitioner is directed to take care of the children with full affection and love. So far as the opposite party no.2 is concerned, this court would have issued proceeding against her for making a false statement in open court, but the court is refusing to do so as she has prayed to be pardoned.

Under the aforementioned facts and circumstances, the order passed yesterday in favour of the petitioner is continued.

Let a copy of this order be communicated to the Court below where the case is pending so as to ensure that the

petitioner and his children should not be harassed further making false allegation by the opposite party no. 2.

The application stands disposed of accordingly.

(Anjana Mishra, J)

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