

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8160 of 2016

Arising Out of PS.Case No. -412 Year- 2013 Thana -BHABHUA District- BHABHUA (KAIMUR)

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Shashi Kant Paswan son of late Sudarshan Paswan, Residentn of Village Palka , P.S. Bhabua , District Kaimur at Bhabua.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Pawan Kumar Singh, Advocate

For the Opposite Party/s : Mr. Yogendra Kumar, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 24-02-2016 Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Bhabhua P.S. Case No. 412 of 2013 registered for the offences punishable under Section 376 of the Indian Penal Code.

The prosecution case as lodged by the informant is that the marriage of the informant was solemnized with Pramod Paswan and the informant gave birth of a son out of the said wedlock. The husband of the informant died. Petitioner, who is the younger brother of Pramod Paswan, promised to solemnize marriage with the informant and thereafter, they started to lead conjugal life. The informant gave birth of a baby from the petitioner. After birth of a baby, who is now 3 years, the petitioner

refused to solemnize marriage with the informant. All the accused along with the petitioner asked the informant to bring Rs. 3 lacs from her father. The parents of the informant requested the petitioner not to torture her but they did not care for the same. The petitioner has retained ornaments, cloth, buffalos of the informant.

It has been submitted by the learned counsel for the petitioner that he is innocent and has committed no offence. Since the husband of the informant had died, the petitioner was looking after the informant and was keeping the informant with full dignity. Moreover, it has been submitted that now, the informant and the petitioner have compromised and they are living peacefully, with each other.

In order to ascertain whether the petitioner and the informant are living peacefully with each other as a female child has been born out of the said relation, as alleged by the informant, the petitioner and the informant, should appear before the learned Chief Judicial Magistrate, Kaimur at Bhabhua in connection with Bhabhua P.S. Case No. 412 of 2013 within two weeks from the date of receipt of this order and the court below will make enquiry from the informant and after enquiry made by the learned Chief Judicial Magistrate, Kaimur at Bhabhua, if, the petitioner is found to be in cordial relation with the informant then on his satisfaction,

he will release the petitioner on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand only) with two sureties of the like amount to his satisfaction in connection with Bhabhua P.S. Case No. 412 of 2013.

In the meantime, no coercive steps be taken against the petitioner in the aforesaid case.

With this observation, this application is disposed of.

(Nilu Agrawal, J)

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