

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35066 of 2016

Arising Out of PS.Case No. -34 Year- 2016 Thana -MAHILA PS District- DARBHANGA

Raju Paswan, son of Sutta Paswan

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 17-08-2016

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the informant is apprehending arrest in a case registered for the offences punishable under Sections 323, 341, 379, 498A, 494, 34 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

The accusation is of torture for non-fulfillment of dowry demand, performing second marriage and driving out of the informant from the matrimonial house.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the informant and birth of three children. The petitioner has not performed second marriage. A statement to that effect has been made in paragraph no. 12 of the petition, which reads as under :-

"That the petitioner has not solemnized second

marriage with anyone, the allegation of bigamy is out and out false."

It is further submitted that the petitioner is ready to keep the informant as wife with full dignity and honour. A statement to that effect has been made in paragraph no.15 of the petition which reads as follows:-

"That the petitioner reiterates that he is ready to keep informant with full dignity and honour."

It is also submitted that at earlier point of time the informant filed Darbhanga (Mahila) P.S. Case No.60/2012 with similar accusation wherein the accusation of second marriage has been levelled and the demand of dowry after about 16 years of marriage appears to be unreasonable.

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for one year in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Darbhanga, in connection with Darbhanga Mahila P.S. Case No.34/2016, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned court below issue notice to the informant for her appearance. On her appearance, the petitioner will take the informant to keep her as wife with full dignity and honour.

The provisional bail of the petitioner will be confirmed by learned court below in three eventualities (i) if the matrimonial harmony is substantially restored (ii) if the informant fails to appear before the learned court below or (iii) if the informant gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

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