

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41397 of 2016

Arising Out of PS.Case No. -2142 Year- 2014 Thana -MUZFFARPUR COMPLAINT CASE
District- MUZAFFARPUR

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1. Rudal Paswan son of Ganaur Paswan Resident of Village-Akurahan
Kharjie P.S.- Kanti District-Muzaffarpur

.... Petitioner/s

Versus

1. The State of Bihar
2. Rita Devi Wife of Rudal Paswan daughter of Mahesh Paswan At Present
Resident of Village-Dhumnagar Dharphari. P.S. Deoria. Dstrict-
Muzaffarpur

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar, Advocate

For the Opposite Party/s : Mr. Sri Mritunjay Kumar Nirala

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 21-09-2016 Heard learned counsel for the petitioner and the
State.

The petitioner being the husband of the complainant is apprehending his arrest in a complaint case in which processes have been directed to be issued after cognizance being taken for the offences punishable under Sections 323, 498A of the Indian Penal Code.

The basic accusation is of torture.

It is submitted by the learned counsel for the petitioner that petitioner admits his marriage with the complainant and birth of three children. The children are residing with the petitioner, but the complainant had illicit relationship with one Vinay Pandey, against whom the

petitioner has filed Kanti P.S. Case No. 286 of 2014 at earlier point of time, thereafter the present case has been lodged. It is further submitted that petitioner has also filed Matrimonial Suit No. 341 of 2016 with a prayer for divorce. From the impugned order it appears that only bailable warrant has been issued. This fact has not been controverted by the learned counsel for the petitioner. Hence, in view of the ratio laid down in the case of Abinash Kumar @ Avinash Kumar @ Pappu Vs. State of Bihar & Anr. (Cr. Misc. No. 9689 of 2015).

It is a case for consideration of prayer for bail by the learned court below, if the petitioner surrenders before the learned court below within a period of six weeks from today in connection with Complaint Case No. 2142 of 2014, pending in the court of learned Sri Aditya Kumar Singh, J.M., Ist Class, Muzaffarpur.

With the above observation this application is disposed of.

It is expected from the learned court below to dispose of the bail application of the petitioner preferably on the same day.

(Dinesh Kumar Singh, J)

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