

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29469 of 2016

Arising Out of PS.Case No. -814 Year- 2011 Thana -BHAGALPUR COMPLAINT CASE District-
BHAGALPUR

=====

Arun Paswan, son of Sri Radhe Paswan,

.... Petitioner/s

Versus

1. The State of Bihar.

2. Kanchan Devi, D/o- Doman Paswan, W/o- Arun Paswan,

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Diwakar Upadhyaya

For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

3 25-07-2016

Heard learned counsels for the petitioner and the
State.

The petitioner being the husband of the complainant is languishing in custody since 20.04.2016 in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under sections 498A and 494 of the Indian Penal Code.

Basic accusation is of torture and performing second marriage. The petitioner was granted anticipatory bail by a co-ordinate Bench of this Court vide Criminal Miscellaneous No.46413/2013 on the readiness to keep the victim-wife with due dignity. In the alternative the co-ordinate Bench directed that if

the complainant refused to go with the petitioner or the petitioner fails to keep her, then the petitioner shall make payment of Rs.1200/- per month as maintenance to the complainant, till any amount decided by a competent Court.

It is submitted by learned counsel for the petitioner that the petitioner was ready to keep the complainant as wife with full dignity and honour but the complainant refused to resume the conjugal life and the petitioner was not in a position to make payment of Rs.1200/- per month as maintenance, as a result, on the application of the complainant, the bail bond of the petitioner was cancelled and, now, the petitioner is in custody since 20.04.2016. The investigation has already concluded. However, the petitioner is still ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in paragraph 12 of the petition, which reads as follows:-

"That, the petitioner is ready to keep the complainant (wife) with him with all dignity and love,...."

Considering the nature of accusation and the present stand of the petitioner, let the above named petitioner be released on bail, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the

satisfaction of learned SDJM, Bhagalpur, in connection with
Complaint Case No.814/2011.

Ashwini/-

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(Dinesh Kumar Singh, J)