

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24661 of 2017

Arising Out of PS.Case No. -1835 Year- 2014 Thana -WEST CHAMPARAN COMPLAINT
District- WESTCHAMPARAN(BETTIAH)

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Bharat Paswan, son of Late Khedaru Paswan, Resident of village - Katrawn,
P.O. - Jamuniya, P.S. Sahodara, District - West Champaran.

.... Petitioner

Versus

1. The State of Bihar.
2. Anita Devi, Wife of Bharat Paswan, Daughter of Chathu Paswan,
Resident of Village - Katrawn, P.S. Sahodara, P.O. Jamuniya, District -
West Champaran, at present residing at Village - Tara Banswariya, P.O. -
Amolwa, P.S. Gonaha, District - West Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra

For the Opposite Party/s : Mr. Sri Rajendra Singh Shastriji

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 19-08-2017 Heard learned counsels for the petitioner and the State.

However, none appears on behalf of complainant/opposite party
no.2.

The petitioner, being the husband of the complainant, is
apprehending arrest in a complaint case, wherein processes have
been directed to be issued after cognizance being taken for the
offences punishable under Section 498A of the Indian Penal Code
and Sections 3/4 of the Dowry Prohibition Act.

The basic accusations are of torture, assaulting the
complainant and driving her out from matrimonial house for non-
fulfillment of the dowry demand.



It appears that vide order dated 12.06.2017, notice was issued to the complainant/opposite party no.2. The office note dated 11.08.2017 reflects that ordinary process of notice has been personally received by the complainant/opposite party no.2, but in spite of that, none is appearing on behalf of the complainant/opposite party no.2.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant and the birth of two children. The complainant developed illicit relationship with one Brajesh Yadav, as a result, the petitioner filed Matrimonial suit No. 282 of 2014 on 03.09.2014 with a prayer for dissolution of marriage on the ground of adultery, and thereafter, the present complaint was filed on 15.09.2014. The two children are residing with the petitioner.

Considering the fact that matrimonial suit for dissolution of marriage was filed by the petitioner at earlier point of time and in spite of valid service of notice, the complainant/opposite party no.2 chose not to appear, let the above named petitioner be released on anticipatory bail, 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 Rs. 10,000/- (ten thousand) with two sureties of the like amount each



to the satisfaction of learned Sub-divisional Judicial Magistrate,
Bettiah, West Champaran in connection with Complaint Case No.
1835C of 2014, subject to the conditions as laid down under
Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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