

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39063 of 2016

Arising Out of PS.Case No. -1037 Year- 2013 Thana -MUZFFARPUR COMPLAINT CASE
District- MUZAFFARPUR

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Chandra Bhushan Paswan @ Dharmendra Son of Ram Sagar Paswan,
Resident of Village- Hattha, P.S.- Piar, District- Muzaffarpur, At present
Mohalla- Bari Jugali, Gomati Nagar, Lucknow, Uttar Pradesh.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Meera Kumari Wife of Chandra Bhushan Paswan Presently Living at her
father's house at Village- Husseypur, P.O. - Paigamberpur, P.S. - Sakra,
District- Muzaffarpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr Hari Kishore Thakur, Advocate
For the S t a t e : Mr Jitendra Kumar Singh, APP

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CORAM: HON'BLE MR JUSTICE DINESH KUMAR SINGH

ORAL ORDER

6 04-04-2017 Heard learned counsel for the petitioner, complainant
and Mr Jitendra Kumar Singh, for the State. Petitioner and the
complainant are also present in person.

Petitioner, being the husband of the complainant, is
apprehending his arrest in Complaint Case No 1037 of 2013, Trial
No 1954 of 2016 where process has been directed to be issued
after taking cognizance for offences under Sections 498A and 494
of Indian Penal Code.

Basic accusation is of torture and performing second
marriage.

Learned counsel for the petitioner submits that the



petitioner admits his marriage with the complainant. Though the complainant was initially married with the elder brother of the petitioner, namely, Chandra Shekhar Paswan who was killed and, thereafter, petitioner performed marriage with the complainant in 2000 leading to birth of a male child but the complainant deserted the petitioner in 2007 and thereafter, the petitioner performed second marriage in 2009.

However, the petitioner is ready to keep the complainant with dignity and statement to that effect has been made in paragraph 9 of the petition which reads as follows:

“That it is humbly stated that petitioner is ready to keep the complainant provided she is ready to live with parents of petitioner and as the parents are very old persons and they require look after by petitioner or some other persons and petitioner is also ready for amicable settlement with complainant. The complainant will get share in landed property, house as she was wife of elder brother of petitioner and the petitioner undertakes that no any problem will be faced by complainant while she will live in the house of petitioner and when no option was left, petitioner contacted another marriage with Rani Gupta.”

Learned counsel for the complainant submits that the complainant is not ready to resume the conjugal life

Since the marriage between the complainant and the petitioner and birth of child is not in dispute and the petitioner has



performed second marriage without getting the first marriage dissolved, this Court is not inclined to grant anticipatory bail to the petitioner.

Let the learned Court below consider the prayer for regular bail of the petitioner in case the petitioner surrenders within six weeks from today in Complaint Case No 1037 of 2013, Trial No 1954 of 2016 before Judicial Magistrate, 01st Class, Muzaffarpur.

This application is disposed of with the aforesaid observation/direction.

(Dinesh Kumar Singh, J)

M.E.H./-

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