

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24498 of 2017

Arising Out of PS.Case No. -930 Year- 2014 Thana -BIHTA District- PATNA

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Raushan Paswan, Son of Baleshwar Paswan, Resident of Village-Kanchanpur, P.S.- Bihta, District-Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Reshmi Devi, Daughter of Dwarik Paswan, Resident of Mohalla- Newati, Maner, P.O. and P.S. Maner, District- Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Nawal Kisore Singh, Advocate Mr. Upendra Mishra, Advocate
For the S t a t e	:	Mr. Shailendra Kumar -2, APP
For Opposite Party No.2	:	Mr. Naushad Akhtar, Advocate Mr. Vikash Kumar Shukla, Advocate

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 06-09-2017 Heard learned counsel for the petitioner and the learned counsel appearing for Opposite Party No.2 as well as the learned counsel for the State.

The petitioner is apprehending his arrest in connection with Bihta P.S. Case No.930 of 2014 registered under section 498A of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

Learned counsel for the petitioner submits that Opposite Party No.2 alone is not inclined to stay with the petitioner. This aspect is vehemently opposed by the learned counsel for Opposite Party No.2 as well as by Opposite Party



No.2 herself, who is present in person. Opposite Party No.2 submits that after the last order was passed, she had gone to live with the petitioner, but again she was thrown out of her matrimonial home and she is now living with her mother. She further submits that she herself along with her two children is facing acute penury and the petitioner has remarried and is living with his another wife and the child born out of the said marriage.

Learned counsel for the petitioner, however, denies the same, but submits that since apparently Opposite Party No.2 is unwilling to stay with the petitioner, it would be in the interest of justice that the petitioner be released on bail in the event of his arrest.

However, in view of the present facts and circumstances, it is directed that since Opposite Party No.2 is no longer willing to stay with the petitioner, the petitioner shall deposit in the court below a sum of ₹5,000/- (Five thousand) per month by way of interim sustenance amount. The said amount shall be deposited by the petitioner by the 10th of each month in the court below in the account of Opposite Party No.2, the number of which will be supplied by her in the court below by the 30th of September, 2017.



It is made clear that the petitioner will submit the said amount each month so that the interest of the children and wife (O.P. No.2) will not prejudice in any manner. However, if the petitioner fails to deposit the same for two consecutive months, it shall be the prerogative of the court below itself to cancel the bail bonds filed by him and take appropriate recourse to the provisions of law.

With the aforementioned directions, let the petitioner, namely, Raushan Paswan, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bond of ₹10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Danapur, District-Patna, in connection with Bihta P.S. Case No.930 of 2014, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjana Mishra, J)

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