

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29228 of 2016

Arising Out of PS.Case No. -5 Year- 2016 Thana -BELAGANJ District- GAYA

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1. Bhushan Paswan @ Vicky Paswan Son of Nathun Paswan, resident of Village Raili, P.S Belaganj, District Gaya.

.... Petitioner/s

Versus

1. The State of Bihar .
2. Sanju Devi wife of Bhushan Paswan @ Vicky Paswan, resident of Village Raili, P.S. Belaganj, District Gaya, presently residing at Village Shivganj Mokari, P.S Parasbigha, District Jahanabad.
3. Ramdeo Paswan son of Late Bhagirath Paswan, resident of village Shivganj Mokari, P.S. Parasbigha, District- Jahanabad.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Durgesh Nandan

For the Opposite Party/s : Mr. Sri Manoj Kumar - 1

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 28-01-2017 Heard learned counsels for the petitioner and the Opposite Parties.

The petitioner being husband of the daughter of the informant is apprehending arrest in a case registered for the offences punishable under Sections 323, 498A and 506 of the Indian Penal Code and sections 3 and 4 of Dowry Prohibition Act.

The basic accusation is of torture for non fulfillment of dowry demands.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with O.P. No. 2 and is ready to keep her with full dignity and honour. Statement to that effect has



been made in paragraph 9 of the petition which reads as follows:

“That the petitioner is still ready to keep and maintain his wife with full honour and dignity but he is not in a position to keep her at his service place although she always pressurized him to send either her Naihar or to take his service place.”

It is further submitted that similar was the stand of the petitioner before the learned court below but the O.P. No. 2 refused to accept the offer of the petitioner which gets reflected from the impugned order –

“The petitioner and his wife are present in the court. The girl refused to go with her husband by saying that the petitioner used to assault her and used to confine her in a room and she came out from the room after arrival of the police.”

It is also submitted that since the petitioner is in Armed Forces (SSB) posted at the border hence it is not possible for him to keep her at present at his place of posting.

The petitioner and the informant are present in court. It is submitted on behalf of the daughter of the informant that she is not ready to accept the offer of the petitioner because she was being confined in a room and was brought out of the room only after arrival of police, hence she apprehends danger to her life.



More over, the petitioner has not offered the daughter of the informant to take her at his place of posting.

In the circumstances, learned counsel for the petitioner submits that the petitioner is ready to make payment of Rs.4500/- per month from March, 2017 by depositing the same in the bank account of the informant's daughter by second week of every month. Learned counsel for the informant's daughter is ready to accept the offer and undertakes to provide the bank account number of the informant's daughter to the petitioner within three weeks by submitting the same on affidavit before the learned court below.

Considering the present stand of the parties, in order to save the informant's daughter from destitution and vagrancy with lurking hope that the issue may be reconciled in future, 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 ACJM- III, Gaya in connection with Belaganj P.S. Case No. 5 of 2016 subject to the conditions as laid down under Section 438(2) Cr.P.C.

The aforesaid payment will be subject to any order



being passed in matrimonial or maintenance proceeding.

Three consecutive defaults in making payment by the petitioner will give liberty to the informant's daughter to file an application for cancellation of bail of the petitioner.

The present order will, in no way, preclude the parties to resolve the issue otherwise.

(Dinesh Kumar Singh, J)

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