

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31545 of 2016

Arising Out of PS.Case No. -798 Year- 2014 Thana -ROHTAS COMPLAINT CASE District-
SASARAM (ROHTAS)

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Rakesh Paswan, Son of Ram Niwash Paswan, Resident of Village-
Dumaria, P.S- Bikramganj, District- Rohtas.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Om Prakash Upadhyay, Advocate

For the Opposite Party/s : Mr. Sri Rana Randhir Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

10 20-04-2017 Heard learned counsels for the petitioner,

complainant and the State.

The petitioner being the husband of the complainant is apprehending arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Sections 498A and 323 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

The basic accusation is of torture for non-fulfillment of the dowry demand.

It is submitted by the learned counsel for the petitioner that the petitioner admits his marriage with the complainant in the year 2008. The complainant has alleged in the complaint petition that she was driven out from the matrimonial



house on 20.06.2014 but ultimately the order of issuance of process after taking cognizance was passed on 20.11.2015. During hearing of the bail application before the learned Sessions Judge, as reflects from the impugned order, the mother of the complainant appeared and stated that the complainant died due to injury caused by the petitioner but it is submitted by learned counsel for the petitioner that admittedly the complainant was residing with her parents at least since 2014 when the cognizance was taken in the year 2015 and the bail application was disposed of in the year 2016 and the mother of the complainant has not filed any case or application till date after the death of the complainant admittedly at her mother's house.

An affidavit has been filed by the petitioner to the effect that the issue has been resolved and the parents of the complainant are not interested in pursuing the case and are not opposing the prayer for bail of the petitioner.

Learned counsel for the complainant does not controvert the contention of learned counsel for the petitioner and submits that he is not opposing the prayer for bail of the petitioner as both sides have agreed to file an application before the learned court below stipulating their present stand.

Considering the aforesaid facts, 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 12 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 the learned SDJM, Bikramganj, Rohtas, in connection with Complaint Case No.798 of 2014, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

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