

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.57861 of 2018

Arising Out of PS.Case No. -55 Year- 2018 Thana -BYPASS District- PATNA

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Umesh Paswan, son of Ramjee Paswan, resident of Village- Marcha, P.S.
Bye Pass, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Kanchan Mala Devi, wife of Umesh Paswan, resident of Mohalla-
Belmaganj, P.S. Alamganj, District- Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nawal Kishore Singh

For the Opposite Party/s : Mr. Sri Bharat Bhushan

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

03/ 06-10-2018

Heard Mr. Nawal Kishore Singh, learned counsel

for the petitioner, Mr. Tejendra Sinha, learned counsel for the
informant-opposite party no. 2 and Mr. J.N. Thakur, learned
counsel for the State.

The petitioner, being the husband of the informant,
is apprehending his arrest in a case registered for the offence
punishable under Sections 498A/34 of the Indian Penal Code.

The prosecution case got initiated with the
fardbeyan of the informant-O.P. No. 2, Kachan Mala Devi dated
14.02.2018 recorded by A.S.I., Ramakant Ram at Surgical
Department of NMCH on 14.02.2018 at 9.00 A.M. is to the effect
that on 11.02.2018, the petitioner asked the informant to bring
Rs.Three lakhs from her mother. On expressing inability for such



payment by the widow mother of the informant, the petitioner and his family members assaulted the informant and drove her out from the matrimonial house.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the informant-O.P. No.2, having no issue. The informant is in habit of filing frivolous cases as she lodged Bypass P.S. Case No. 115 of 2015 with accusation under Section 498A of the Indian Penal Code, wherein on the basis of compromise, the petitioner has been acquitted. Thereafter, again Complaint Case No. 807 of 2017 was filed by the informant-O.P. No. 2 with accusation under Section under Section 498A of the Indian Penal Code, which is pending for enquiry before learned ACJM, Patna City. Subsequently, against the informant filed Bypass P.S. Case No. 229 of 2017 with accusation under Section 498A of the Indian Penal Code, wherein the petitioner has been granted anticipatory bail and this is the 4th case with accusation under Section 498A of the Indian Penal Code which she has filed against the petitioner. The informant has also filed Maintenance Case No. 144 of 2018(M) which is pending before learned Principal Judge, Family Court, Patna. However, the petitioner has also filed matrimonial suit with prayer for divorce being Divorce Case No. 180 of 2018 pending before learned



Principal Judge, Family Court, Patna. In the background of above facts the petitioner is not inclined to reconcile the issue as it is submitted that the informant is involved in eight criminal cases including a case registered under Section 302 of the Indian Penal Code where it is alleged that she has killed her own brother.

Learned counsel for the informant submits that the informant is still ready to reconcile the issue and she is unable to maintain herself.

Both petitioner and the informant are present in the Court and it appears that the issue is not being reconciled in view of the distrust against each other.

However, learned counsel for the petitioner submits that the petitioner is ready to make payment of Rs.1,000/- per month to the informant from November, 2018 by depositing the same in the bank account of the informant.

Learned counsel for the informant submits that the informant is ready to accept the offer of the petitioner and undertakes to submit her bank account number in the learned Court below on affidavit within a period of two weeks.

Considering the fact that the issue is not being reconciled at present with a lurking hope that the issue may reconcile in future, at least, the present stand of the petitioner will



save the informant from destitution and vagrancy, let the above named petitioner be released on anticipatory bail, in the event of his arrest or surrender before the learned Court below, on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Patna City in connection with Bye Pass P.S. Case No. 55 of 2018, subject to the conditions laid down under Section 438(2) Cr.P.C.

The aforementioned payment will be subject to any order being passed in matrimonial, maintenance or connected proceedings.

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

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

DKS/-

(Dinesh Kumar Singh, J)

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