

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29538 of 2018

Arising Out of PS.Case No. -6 Year- 2018 Thana -MAHILA P.S. District- PURNIA

=====

Dhiraj Kumar Paswan @ Dheeraj Kumar Paswan son of Late Pawan Kumar Paswan, resident of Mohalla- Brajesh Nagar, P.S.- K. Hat, District- Purnea.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Sharma, APP

=====

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 17-05-2018 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner seeks pre-arrest bail in connection with Purnea Mahila P.S. Case No.06 of 2018 registered under Sections 323, 341, 307, 504, 506, 354 and 379 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act.

It is submitted that the informant of the case is wife of the petitioner. Though she has alleged that she was subjected to cruelty for non-fulfillment of demand of dowry, the police have not instituted the case under Section 498A of the Indian Penal Code and have wrongly instituted the case under Section 307 of the Indian Penal Code even though there is nothing to suggest that the petitioner ever intended or attempted to kill her. It is further submitted that the instant first information report has been



instituted only because of matrimonial discord and incompatibility and only simple and superficial injuries were found on the person of the informant which may have been caused in a different manner.

On the other hand, learned counsel for the State submitted that the informant has alleged that the petitioner is in habit of subjecting the informant to cruelty for non-fulfillment of demand of dowry and he always used to threaten the informant of dire consequences.

Regard being had to the facts and circumstances of the case and the submissions made above, in the event of arrest or surrender in the court below within six weeks from today, the petitioner is directed to be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Purnea in connection with Purnea Mahila P.S. Case No.06 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J)

Md.S./-

U		T	
---	--	---	--

