

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2419 of 2019

Arising Out of PS. Case No.-26 Year-2014 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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Madan Paswan, son of late Ramayan Paswan alias Ram Narayan Paswan,
Resident of Village- Sirisiya Kala, P.S.- Adapur, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sumitra Devi, daughter of Jailal Paswan, wife of Madan Paswan, resident of village Sirisiya Kala, P.S. Adapur, Distt. East Champaran, at present resident of village Barwa, P.S. Kalaiya, Nepal.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar No.III, Advocate
For the Opposite Party/s : Dr. Kumar Uday Pratap, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 18-01-2019 Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner seeks bail in **Complaint Case No. C-26 of 2014, Trial No. 964 of 2018, Trial No. 964 of 2018**, instituted for the offence under Section(s) 498(A) Indian Penal Code.

Counsel for the petitioner submits that petitioner is husband of the complainant. He further submits that petitioner was earlier granted provisional anticipatory bail by coordinate Bench of this Court vide order dated 14.10.2015 passed in Cr. Misc. 48830 of 2015, for a period of one year, with some conditions as mentioned in the aforesaid order. Petitioner took the complainant with him and she resided with him for several



days, for which, she also filed affidavit in the court below on 15.3.2018 stating that she is residing with her husband and requested to confirm the provisional bail granted to the petitioner. Petitioner also filed affidavit on 5.9.2018 stating that he is ready to keep his wife with full honour and dignity. But, in the meantime, the wife has filed petition before the court below on 28.3.2018 alleging that petitioner and others committed cruelty and torture with her and had tried to kill her by tying rope around her neck. Thereafter, petitioner was remanded to custody on 5.9.2018 by the court below after cancelling his provisional anticipatory bail and petitioner is in custody since then.

From perusal of the impugned order it appears that petitioner has tried his level best to keep his wife (complainant) in terms of the order of coordinate Bench of this Court, but for some reason best known to both parties, they could not be able to live together.

In the facts and circumstances of the case, prayer of the petitioner for grant of bail is allowed. Let the petitioner, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of **Sri B.K. Tripathi, Judicial**



Magistrate, Raxaul at Motihari, in connection with
Complaint Case No. C-26 of 2014, Trial No. 964 of 2018,
subject to the condition that both the bailors shall be close
relative of the petitioner.

(Sanjay Priya, J)

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