

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25104 of 2019

Arising Out of PS. Case No.-98 Year-2012 Thana- MUZFFARPUR COMPLAINT CASE
District- Muzaffarpur

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Dinesh Paswan Son of Anurag Paswan Resident of Village - Rampur Khurd,
P.S.- Sahebganj, Distt – Muzaffarpur. Petitioner/s
Versus

1. The State Of Bihar
2. Punam Devi Wife of Dinesh Paswan, D/o Lakhindra Paswan Resident of
Village - Motipur, P.S.- Motipur, Distt - Muzaffarpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vijay Kumar Singh, Advocate
Mr. Santosh Kumar, Advocate
For the Opposite Party/s : Mr.Gulnar Begum, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 10-07-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has filed the instant application for anticipatory bail apprehending his arrest in connection with Trial No. 1166 of 2017 arising out of Complaint Case No. 98 of 2012 registered for the offence punishable under section 498A of the Indian Penal Code.

As per the complaint, the allegation against the petitioner who happens to be the husband is that the complainant got married to him in the year 2005. There is allegation of assault, torture and demand of Rs. 50,000/- and a motorcycle against the petitioner and his family members. Thereafter, it is alleged that the complainant was assaulted and



forced out of her matrimonial house. It is further stated that the petitioner has entered into a second marriage.

Notice was issued in the case by order dated 18.04.2019. As per the office report, although the notice sent under registered cover had been received by the Opposite Party no. 2 herself however, no one appears on her behalf on the matter being called out.

It is submitted by learned counsel for the petitioner that the allegations as levelled in the complaint are false, there was incompatibility between the complainant and the petitioner and as a result it was the complainant who herself entered into a second marriage. It is for this reason, even when the notices had been sent during pendency of the application for anticipatory bail before the Sessions Judge, Muzaffarpur the complainant had not appeared and even before this Court she has chosen not to appear.

Heard learned counsel for the parties. Taking into consideration the facts and circumstances of the case together with the fact that the petitioner has no criminal antecedent, the Court is inclined to enlarge the petitioner on bail. The petitioner above named, in the event of his arrest or surrender in the court below within a period of six weeks from today in connection



with Trial No. 1166 of 2017 arising out of Complaint Case No. 98 of 2012 is directed to be enlarged on bail on furnishing bail bond of Rs 10,000.- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-II West, Muzaffarpur subject to the conditions as laid down in Section 438 (2) of Criminal Procedure Code.

(Partha Sarthy, J)

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