

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35978 of 2019

Arising Out of PS. Case No.-1979 Year-2018 Thana- KATIHAR COMPLAINT CASE
District- Katihar

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Amit Kumar Paswan, Son of Sri Ganesh Paswan, Resident of Mohalla-Mofarganj, Ward No.38, Post Office and Police Station-Katihar, District-Katihar.

... .. Petitioner

Versus

1. The State of Bihar
2. Kajal Kumari, Daughter of Sri Umesh Paswan, W/o Amit Kumar Paswan, Resident of Mohalla-Shitla Asthan, Mirchaibari, Ward no.8, P.O.-Katihar, P.S.-Katihar Sahayak, District-Katihar.

... .. Opposite Parties

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Appearance :

For the Petitioner/s	:	Mr. Jibendra Mishra, Advocate
For the Opposite Party/s	:	Mr. Harendra Prasad, APP
For the Opposite Party no.2:	:	Mr. Rajendra Prasad Sah, Advocate

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

5 19-11-2019 This is an application for grant of anticipatory bail in connection with Complaint Case No. 1979 of 2018, disclosing offences under Section 498A of IPC and Section 4 of the Dowry Prohibition Act.

As per complaint case, there is allegation against the petitioner, who happens to be the husband of the complainant of demand of Rs.1,00,000/- and a four wheeler vehicle and for that, ousted her from the house after assaulting her.

Submission of the learned counsel for the petitioner is that he is a Computer Operator. He always want to keep her, but the complainant does not want to live with the petitioner. A petition under Section 9 of the Hindu Marriage Act for restitution of conjugal



rights has already been filed, but she has not appeared in that case.

Heard learned A.P.P. also.

In this case, earlier a notice was issued to the opposite party no.2. It appears from the perusal of the record that opposite party no.2 has appeared through her counsel by filing the Vakalatnama, but nobody appears on her behalf.

Having heard both sides, considering the above submission, this application is allowed. Let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of three weeks from the date of receipt of certified copy of this order, on surrender, he will be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount to the satisfaction of learned S.D.J.M. Katihar, in connection with Complaint Case No. 1979 of 2018, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure with condition that if the opposite party no.2 is ready to reside with the petitioner, he has to keep her with dignity and care.

(Vinod Kumar Sinha, J)

Sunil Shukla/-

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