

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.60922 of 2018

Arising Out of PS. Case No.-190 Year-2017 Thana- SAHARSA COMPLAINT CASE
District- Saran

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DURGESH PASWAN @ DURGESH KUMAR @ DURGESHYA KUMAR,
S/o Rajendra Paswan, R/o Nehru Mohalla, P.S.- Bakhtiarpur, District-
Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Abhilasha Devi, W/o Durgesh Paswan, D/o Aghori Paswan, R/o Bakhri, P.S.-
Sour Bazar, District- Saharsa.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Sinha
For the Opposite Party/s : Mr. Mukesh Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 07-01-2019 Heard learned counsels for the petitioner, complainant
and State.

The petitioner being the husband of the complainant is
apprehending arrest in a complaint case wherein process has
been directed to be issued after cognizance being taken for the
offences punishable under Section 498(A) of I.P.C. and Section
4 of D.P. Act.

The prosecution case as per the complainant,
Abhilasha Devi is that the marriage between the petitioner and
the complainant was performed in the year 2017. Subsequently,
further dowry demand of Rs. 5,00,000/- and a Motorcycle was
made and due to non-fulfillment of the same, torture was



inflicted upon the complainant.

It is submitted by the learned counsel for the petitioner that the petitioner admits his marriage with the complainant and he is ready to keep the complainant as wife with full dignity and honour. However, statement to that effect has not been made in the petition. Learned counsel for the petitioner further submits that he has instruction to that effect, hence he is making such submission.

Learned counsel for the complainant submits that the complainant is ready to accept the offer of the petitioner but she is apprehensive due to his past conduct.

Both sides are ready to appear before the learned Court below on 28.01.2019, when the petitioner will take the complainant to keep her as wife with full dignity and honour.

Considering the present stand of the parties, let the above named petitioner be released on provisional anticipatory bail for six months in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today on furnishing bail bonds of Rs. 10,000/- (ten thousand), with two sureties of the like amount each to the satisfaction of the learned **S.D.J.M., Saharsa**, in connection with **Saharsa Complaint Case No. 190C of 2017**, subject to the conditions as



laid down under Section 438(2) of the Cr. P.C.

The provisional bail of the petitioner will be confirmed by the learned Court below in three eventualities:

(i) If the matrimonial harmony is substantially restored or, (ii) if the complainant fails to appear before the learned Court below or (iii) if the complainant gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

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