

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48105 of 2019

Arising Out of PS. Case No.-20 Year-2019 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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Raj Kumar Paswan Son of Rajaram Paswan Resident of Village - Gangapur
Waini, P.S.- Waini, District- Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Komal Devi Wife of Raj Kumar Paswan Presently residing with her father
Sri Dinesh Paswan, Resident of Mohalla - Kashipur, Ward No.-11, Town,
P.S. and District- Samastipur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Abhay Shankar Singh
For the Opposite Party/s : Mr.Pranav Kumar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 01-08-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner, being the husband of the complainant ,
is apprehending his arrest in a complaint case, wherein process
has been directed to be issued after cognizance being taken for
the offences punishable under Sections 498A/34 of the Indian
Penal Code and Section 4 of Dowry Prohibition Act.

The prosecution case, as per the complaint petition, is
that the marriage between the complainant and the petitioner
was performed on 24.11.2014 but subsequent to the marriage,
there was further dowry demand of a Hero Honda Spender
Motorcycle or Rs.75,000/- and due to non-fulfillment of further



dowry demand, torture was inflicted upon the complainant. On 30.12.2018, all the accused persons including the petitioner compelled the complainant to leave the matrimonial house.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant and is ready to keep the complainant as wife with full dignity and honour, statement to that effect has been made in paragraph 9 of the petition, which reads as follows:-

“That the petitioner being husband is ready to live with the complainant with full honour and dignity but despite conciliation proceeding in the learned court below, she is not ready to live with the petitioner.”

It is further submitted that the similar was the stand of the petitioner before the learned Court below which gets reflected from the impugned order.

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for four months in the event of arrest or 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



learned Sub-divisional Judicial Magistrate, Samastipur in connection with Complaint Case No. 20 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Let the learned Court below issue notice to the complainant for her appearance. On her appearance, the petitioner will take the complainant to her matrimonial house to keep her as wife with full dignity and honour.

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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