

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7943 of 2020

Arising Out of PS. Case No.-1071 Year-2017 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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LALBABU PASWAN Son of Sri Khublal Paswan Resident of Village -
Purainiya, Ward No. 11, Awsanpur, P.S.- Balthar, Distt - West Champaran.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR Bihar
2. Krishna Wati Devi Wife of Lalbabu Paswan Resident of Village - Purainiya,
Ward No. 11, Awsanpur, P.S.- Balthar, Distt - West Champaran. At present,
Village - Awariya, P.S.- Bettiah Muffasil, Distt - West Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma
For the Opposite Party/s : Mr.Md. Ataur Rahman

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 18-06-2020 The present petition has been taken up for

consideration through the mode of Video conferencing in view

of the prevailing situation on account of COVID 19 Pandemic,

requiring social distancing.

Heard the learned counsel for the petitioner and Shri

Md. Ataur Rahman, the learned APP appearing for the State.

The petitioner apprehends her arrest in connection

with S.C. No. 1006 of 2019 arising out of Complaint Case No.

1071-C of 2017, for the offence punishable under Section 498A

of the Indian Penal Code and section 4 of the Dowry

Prohibition Act .

The case of the prosecution in brief is that the

marriage of the complainant was solemnized with the petitioner



in the year 2000 and thereafter, she had gone to her in-law's house after two and half years of her marriage and out of their wedlock three children were born. It is further alleged that the in-laws used to beat the complainant and used to demand a sum of Rs. 2 lakh in order to open a tailoring shop. It is also the case of the complainant that the petitioner and other accused persons were all throughout assaulting the complainant and torturing her on account of non-fulfilment of demand for dowry and finally the complainant was ousted from her matrimonial house, whereafter the petitioner is alleged to have solemnized 2nd marriage.

The learned counsel for the petitioner has submitted that the petitioner is innocent, is having a clean antecedent and is not having any complicity in the matter. It is further submitted that the complainant has levelled a false allegation after twenty years of solemnization of marriage and the fact is that the complainant herself does not wish to lead the conjugal life with the petitioner though the petitioner is always ready to solve the matrimonial dispute .

The learned A.P.P. appearing for the State has vehemently opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case this court directs the petitioner to surrender before the learned



court below within a period of four weeks from today, whereafter he shall be released on provisional bail on the very same day by the learned Sub-Divisional Judicial Magistrate, Bettiah, West Champaran in connection with S.C. No. 1006 of 2019, arising out of Complaint Case No. 1071-C of 2017, subject to such conditions as may be deemed fit and proper to be imposed by the learned court below and then the learned court below shall engage in mediating the matter in between the husband and wife, for which purpose the learned court below shall issue notice to the wife of the petitioner and summon the wife/ complainant. It is expected that the learned court below shall make all endeavours to settle the matrimonial dispute in between the parties.

It is further directed that the learned court below shall take a final call with regard to either confirming or revoking the privilege of provisional bail to be granted to the petitioner herein, depending on the outcome of the mediation proceedings as also upon applying its own independent mind on merits of the case, without being prejudiced by its earlier order or by any observation of this court.

The petition stands disposed of with the aforesaid directions.

(Mohit Kumar Shah, J)

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