

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7121 of 2020

Arising Out of PS. Case No.-133 Year-2017 Thana- MUZFFARPUR COMPLAINT CASE
District- Muzaffarpur

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RANDHIR PASWAN Son of Laxman Paswan Resident of Village- Rampur
Bakhari, P.S.- Sakara, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Arjun Paswan Son of Late Ram Vilaas Paswan Resident of Village-
Motalupur, P.S.- Piyar (Httha O.P.), District- Muzaffarpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ganesh Prasad Singh, Adv.

For the Opposite Party/s : Mr.Parmanand Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 03-07-2020 The matter has been listed today for consideration
through Video Conferencing.

Learned counsels are appearing and making submissions
from their residence. The Court Master and Secretary are also
part of this virtual court proceedings from their homes, all with
the aid of audio visual technology.

Heard learned counsel for the petitioner and the learned
APP for State.

Petitioner apprehends arrest in connection with
Complaint case no. 133 of 2017 instituted for the offence under
Section(s) 498A of the IPC and Section 4 of the Dowry
Prohibition Act.



For the purpose of anticipatory bail, counsel for the petitioner submits that in spite of efforts in the Court below, the wife flatly refused to reside in Matrimonial harmony with the petitioner. It is further submitted that wife has also lodged an application under Section 125 Cr.P.C. for maintenance. On a specific query made by this court whether any maintenance amount has been paid to the wife, recognizing the fact that she is not living with him, being a legally wedded wife, counsel for the petitioner submits that till date no such payment has been made. He, however, submits that he is willing to pay Rs. 2,500/- per month without prejudice to his rights to contest the proceedings pending in the Maintenance case No. 20 of 2017; and only for the limited purposes for availing the benefit of anticipatory bail.

In view of the said submissions, this Court would direct that the petitioner should surrender before the Court below i.e. S.D.J.M., (East) Muzaffarpur, within a period of four weeks from today in connection with Complaint Case No. 133 of 2017, along with demand draft drawn in favour of his wife for two months maintenance. Thereafter, the Court below having issued notice to opposite party no.2 shall release the petitioner on provisional bail. The Court below shall monitor payments at the



rate agreed upon in today's proceedings for six months, thereafter, the bail of the petitioner be confirmed. In case the petitioner does not abide by the terms expressed in the order today, the Court below would be free to exercise its judicial discretion in the matter and pass appropriate orders including order for cancellation of bail.

The application stands disposed off with the aforesaid directions.

(Madhuresh Prasad, J)

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