

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7798 of 2020

Arising Out of PS. Case No.-56 Year-2019 Thana- MAHILA P.S. District- Madhepura

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KUNDAN PASWAN @ KUNDAN KUMAR Son of Nandan Paswan
Resident of Village - Khara, Ward No. 9, P.S.- Udakishunganj, Distt -
Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Priyanka Kumari D/o Shyam Sundar Paswan Resident of Bishanpur, Ward
No. 7, Korlahi, P.S.- Kumarkhand, Distt - Madhepura.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Praveen Kumar Agrawal
For the Opposite Party/s : Mr.Yogendra Kumar

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 19-06-2020 The present case was heard at length on 17.06.2020

and today, it has been listed under the heading “For Orders”.

Heard the learned counsel for the petitioner and the

learned A.P.P. for the State.

This is an application for grant of anticipatory bail

in connection with Mahila (Madhepura) PS case no. 56 of 2019

registered for the offences punishable under Sections 498A,

494, 506/34 of Indian Penal Code and 3/4 of Dowry Prohibition

Act.

The case of the prosecution according to the

informant namely Priyanka Kumari is that her marriage was

solemnized with the petitioner on 18.12.2015 according to



Hindu rites and rituals, whereafter for some days, she had stayed happily in her matrimonial home as also along with the petitioner herein. However subsequently, the petitioner and others started demanding motorcycle, golden chain and a cash amount of Rs. 1 lac and on account of non-fulfilment of the said demand, the petitioner and other accused persons used to torture the informant as also used to threaten her that the petitioner would solemnize second marriage. After sometime, the in-laws of the informant got the second marriage of the petitioner solemnized with one Samta Devi and thereafter, the informant is stated to have driven her out of her matrimonial home on 22.08.2019.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and is having clean antecedent. It is further submitted that the fact is that the marriage of the petitioner has never been solemnized with the informant namely Priyanka Kumari. It is further submitted that the date of marriage has been stated by the informant and her father differently in the FIR in question and in the petition filed before the *Sarpanch* which shows that the informant is trying to extract money from the petitioner and infact, no marriage has been



solemnized between them.

The learned APP for the State has vehemently opposed the prayer for bail.

I have heard the learned counsel for the parties and gone through the materials on record as also the case diary. It is apparent from the materials available in the case diary that the possibility of marriage of the informant with the petitioner cannot be ruled out, hence it cannot be said that the petitioner is not having any complicity in the matter. Moreover, this Court finds that the investigation is in process and it is essential to interrogate the petitioner in order to find out the truth and reveal the actual fact, hence this Court finds that it would not be appropriate to grant anticipatory bail to the petitioner herein, thus the present petition stands dismissed.

(Mohit Kumar Shah, J)

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