

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12617 of 2020

Arising Out of PS. Case No.-49 Year-2019 Thana- MAHILA PS District- Aurangabad

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Santan Kumar S/o Parikha Paswan Resident of Village- Baijal, P.S.- Amba,
Distt- Aurangabad (Bihar)

... .. Petitioner

Versus

1. The State Of Bihar
2. Khusboo Kumari D/o Amarjeet Paswan Resident of Village- Sherghati,
Distt- Aurangabad (Bihar)

... .. Opposite Parties

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Appearance :

For the Petitioner/s	:	Mrs. Leelawati Kumari, Advocate
For the Opposite Party/s	:	Mr. Narsingh Tanti, APP
For the Informant	:	Mr. Kamendra Pd. Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 02-09-2020 Heard learned counsel for the petitioner, learned
counsel for the State and learned counsel for the informant.

The petitioner seeks pre-arrest bail in connection with
Aurangabad Mahila P.S. Case No. 49 of 2019 registered for the
offences punishable under Sections 341, 323, 498A and 494
read with 34 of the Indian Penal Code.

Learned counsel for the petitioner submitted that none
of the offences alleged would be attracted against the petitioner.
She contended that the petitioner is an employee of paramilitary
force (CRPF) having clean antecedent. He is married with Sanju
Devi and has three kids (two sons and one daughter) out of the
wedlock. He is sole bread earner of his family. The allegation



made against the petitioner that he married the informant concealing his previous marriage is patently false. The Superintendent of Police, Aurangabad had requested the S.H.O. Amba Police Station to inquire about the marital status of the petitioner. Pursuant to the said direction, the S.H.O. of Amba Police Station duly inquired into the marital status of the petitioner and reported on 01.12.2019 that the petitioner's marriage was solemnized with Sanju Devi even before his selection in CRPF and they have three kids. It was further reported that the petitioner has not solemnized any other marriage. She further contended that there is no evidence of the alleged marriage with the informant. Lastly, he contended that the FIR has been instituted after lapse of more than 1 year and 4 months of the alleged marriage by the informant, for which no satisfactory explanation is provided in the FIR.

Learned counsel appearing for the State and learned counsel appearing for the informant have vehemently opposed the prayer for grant of pre-arrest bail to the petitioner. They submitted that in the instant case, ingredients of the offences alleged under Sections 494 and 498A/34 of the Indian Penal Code would clearly be attracted. They further contended that apart from the aforesaid sections, the ingredients of the offences



punishable under Sections 493 and 495 of the Indian Penal Code would also be attracted.

Be that as it may, regard being had to the facts and circumstances of the case, in the event of arrest or surrender, the petitioner is directed to be released on bail, on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-XI, Aurangabad in connection with Aurangabad Mahila P.S. Case No. 49 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Since the court proceedings are being conducted through virtual mode and normal court functioning has not been restored till date, it is considered appropriate to adopt the following procedure for communication of the present order:-

- (i) The order, which has been dictated during the course of proceeding of the virtual court, shall be communicated to me on my email by the Sr. Secretary.
- (ii) The corrected copy of the order shall be transmitted by me from my email id to the Sr. Secretary, which shall be treated to be an authentic copy of the order



passed by this Court in the present proceeding.

- (iii) Hard copy of the order duly signed by me shall be preserved in my residential office for documentation and future use, if any.
- (iv) Let a copy of the order be sent to Mrs. Leelawati Kumari, learned counsel for the petitioner also on her email.
- (v) Let steps be taken by the Sr. Secretary/registry for uploading of the present order without compromising with the norms of social distancing.

(Ashwani Kumar Singh, J)

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