

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21726 of 2020

Arising Out of PS. Case No.-3 Year-2020 Thana- NAGARNAUSA District- Nalanda

UMESH PASWAN Son of Late Madho Paswan Resident of Village-
Dudhaila, P.S.- Nagarnausa, Distt.- Nalanda

... .. Petitioner

Versus

1. THE STATE OF BIHAR
2. Kusum Kumari W/o Umesh Paswan, D/o Birendra Paswan At present R/o
Village-Mohanpur, Police Station- Nalanda, Distt.- Nalanda.

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Ajay Mukherjee, Advocate
For the State	:	Mrs. Veena Rani Prasad, APP
For the Informant	:	Mr. Farooque Ahmad Khan, Advocate

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 21-10-2020 Heard Mr. Ajay Mukherjee, learned counsel

appearing on behalf of the petitioner, Mrs. Veena Rani Jaiswal,

learned Additional Public Prosecutor, for the State of Bihar and

Mr. Farooque Ahmad Khan, learned counsel representing the

informant.

This application for grant of anticipatory bail arises
out of Nagarnausa P.S. Case No. 03 of 2020, registered for the
offence punishable under Sections 341, 323, 494, 498(A), 504,
506 of the Indian Penal Code and Section 3/4 of Dowry
Prohibition Act.

The petitioner is the husband of the
informant/opposite party No.2. There is allegation in the F.I.R.
of demand of dowry, nearly six years after the petitioner and



opposite party No.2 were married. It is the claim of the informant that the petitioner has married another lady, whereas marriage of the informant and the petitioner still subsists.

Learned counsel appearing on behalf of the petitioner has argued that the petitioner is willing to live with the opposite party No.2 with dignity and grace and lead a peaceful conjugal life as husband and wife. He has denied the allegation that the petitioner has married another lady with reference to the statement made in paragraph 11 of this application.

Learned counsel representing the informant, on the other hand, has opposed the prayer for anticipatory bail and has submitted that the petitioner has, in fact, married another lady.

Be that as it may, considering the nature of dispute as emerging from the F.I.R. and rival submissions made on behalf of the petitioner, this application is allowed.

The provisional bail granted by an order dated 13.08.2020 stands confirmed.

It is directed that the defect(s) in the application, pointed out by the Registry, must be removed within two months.

Since COVID-19 Pandemic situation is prevailing, the Court has considered it appropriate to adopt following



procedure for communication of the present order :-

(i) The order, which has been dictated during the course of the proceedings of virtual Court, shall be communicated to me on my e-mail I.D. by the Secretary.

(ii) The corrected copy of the order shall be transmitted by me from my e-mail I.D. to the Secretary, which shall be treated to be the authentic copy of the order passed by this Court today 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 communicated to the learned Court below through e-mail or any other appropriate electronic mode by the Registry.

Let steps be taken by the Registry for uploading of the present order without compromising with the norms of social distancing.

(Chakradhari Sharan Singh, J)

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