

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82199 of 2019

Arising Out of PS. Case No.-689 Year-2019 Thana- BHABHU(KAIMUR) COMPLAIN C
District- Kaimur (Bhabua)

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SRI RAM PASWAN Son of Late Shivmurat Paswan, Resident of Village -
Lakhamanpur, P.S.- Chainpur, Distt.- Kaimur at Bhabua.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Barmati Devi Wife of Sri Ram Paswan, D/o Mahesh Paswan, Resident of
Village - Lakhamanpur, P.S.- Chainpur, Distt.- Kaimur at Bhabua. at Present
R/o Village - Jigna, P.S.- Chainpur, Distt.- Kaimur at Bhabua.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Tribhuwan Narayan
For the Opposite Party/s : Mr.Binod Kumar

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 22-01-2020 Heard the learned counsel for the petitioners and the

learned APP for the State.

The petitioner apprehends his arrest in connection
with Complaint Case No. 689 of 2019 for the offence
punishable under Sections 323, 498(A), 494, 504, 34, 316, 326
and 307 of the Indian Penal Code.

The allegation is regarding the opposite party no.2
being married with the brother of the petitioner, namely, Jai
Ram Paswan, however, after some years, the said Jai Ram
Paswan is said to have become traceless, whereupon it is alleged
that the in-laws of the Opposite Party No.2 had proposed to get
the Opposite Party no.2 married with the brother of the said Jai



Ram Paswan i.e. the petitioner herein. It is further alleged that the Opposite Party No.2 had married the petitioner in a temple. Lastly, it is alleged that despite the marriage, the petitioner is not ready to keep the opposite party no.2 as his wife with honour and dignity.

The learned counsel for the petitioner has submitted that no proof has been produced by the opposite party no.2 with regard to marriage with the petitioner and the fact is that the opposite party no.2 had harassed the brother of the petitioner resulting in him leaving the house, whereafter he had become traceless. It is further submitted that since the marriage itself, in between the petitioner and the opposite party no.2, had not taken place, there is no question of the provisions of Section 498A I.P.C. being attracted in the present case. The petitioner is stated to be having a clean antecedent.

Per contra, the learned counsel for the opposite Party No.2 submits that the opposite party no.2 is entitled for maintenance at least.

Having regard to the facts and circumstances of the case and considering the submissions made by the learned counsel for the parties couple with the fact that the marriage in between the petitioner and the opposite party no.2 is itself



doubtful, I deem fit and proper to admit the petitioner to the privilege of anticipatory bail.

Accordingly, in the event of arrest or surrender in the court below within a period of four weeks from today, the petitioners above named are directed to be released on anticipatory bail on furnishing bail- bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-2nd, Kaimur at Bhabua in connection with Complaint Case No. 689 of 2019, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

It goes without saying that the Opposite party no.2 is at liberty to seek maintenance from the petitioner by taking recourse to appropriate proceedings before a competent court of law.

(Mohit Kumar Shah, J)

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