

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10281 of 2020

Arising Out of PS. Case No.-54 Year-2019 Thana- MAHILA P.S. District- Bhojpur

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PANKAJ PASWAN Son of Phagu Ram Resident of Village - Barap, P.S.-
Garhani, District - Bhojpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Guriya Devi Daughter of Satnarayan Paswan At present Residing at Village -
Belaur, P.S.- Udwanthnagar, District - Bhojpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Uday Kumar
For the Opposite Party/s	:	Mr.Ramesh Chandra
For the O. P. No. 2	:	Mr. Dharendra Singh

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

9 05-03-2021 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Bhojpur Mahila Police Station Case No. 54 of 2019, disclosing offences under Sections 341/323/498-A/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

The allegation, as per the First Information Report, is that the marriage of the petitioner was solemnized with the Opposite Party No. 2-the informant on 20.05.2018 and it has been alleged that after sometime, the petitioner and others demanded motorcycle and cow as dowry and due to non-



fulfillment of the said demand, the Opposite Party No. 2 was ousted from her matrimonial home.

Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in the present case with oblique motive. He next submits that from perusal of the First Information Report, it would be evident that the petitioner had allegedly ousted Opposite Party No. 2 on 16.07.2018, but the First Information Report has been lodged after much delay on 17.04.2019. He, referring to Annexure-2, submits that fact of the matter is that just after the marriage, i.e. on 12.06.2018, the ultrasound of the Opposite Party No. 2 was held, in which she was found pregnant, having single live foetus of approximately 13-14 weeks. He further submits that that was the reason why the Opposite Party No. 2 left her matrimonial home and has performed second marriage with someone else.

On the other hand, learned Additional Public Prosecutor and learned Counsel for the Opposite Party No. 2 vehemently oppose the prayer for bail and submit that from perusal of the First Information Report, it would be evident that petitioner tortured his wife-Opposite Party No. 2 mentally as well as physically and ousted her from her matrimonial home and the ultrasound report, at Annexure-2, is not genuine.



Having regard to the submissions made on behalf of the parties and taking into consideration the materials on record, particularly the ultrasound report, I am inclined to grant the petitioner privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioner, Pankaj Paswan, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Bhojpur, at Ara, in connection with Bhojpur Mahila Police Station Case No. 54 of 2019, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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