

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27105 of 2021**

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

Kundan Paswan @ Kundan Kumar, son of Nandan Paswan, Resident of village-Khara, Ward No.09, Police Station-Udakishunganj, District-Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Priyanka Kumari, wife of Kundan Paswan @ Kundan Kumar, resident of village-Bishanpura Korlahi, Ward No.07, Police Station-Kumarkhand, District-Madhepura.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Uday Chand Prasad, Adv.
For the State	:	Mr. Dinesh Singh, APP
For the Informant	:	Mr. Pawan Kumar, Adv.

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER**

3 13-12-2021 Heard learned counsel appearing on behalf of the petitioner, learned Additional Public Prosecutor appearing for the State as well as learned counsel appearing on behalf of the informant.

Let the defect(s) be removed within two weeks of the complete start of the physical Court in normal course.

Counter affidavit has been filed on behalf of the informant/O.P. No.2, taken on record.

Petitioner who is in custody since 21.01.2021 seeks bail in connection with Mahila P.S. Case No.56 of 2019 registered for offence punishable under Sections 498A, 494, 506/34 of the Indian Penal Code and ¾ of Dowry Prohibition Act.

Prosecution case in brief, is that informant, namely,



Priyanka Kumari alleges that her marriage was solemnized with petitioner on 18.12.2015 according to Hindu rites and rituals, and subsequent to the said marriage petitioner started demanded motorcycle and one lac rupees and other items. It has further been alleged that subsequently the petitioner solemnized marriage with one Samta Devi and driven out the informant from the matrimonial home on 22.08.2019.

Learned counsel appearing on behalf of the petitioner submits that he has been implicated in a false case cooked by the informant and submits that the petitioner was never married to Priyanka Kumari and no legal documents with respect to the marriage has been brought on record.

Learned counsel appearing on behalf of the informant submits that by way of filing supplementary affidavit he has brought several photographs as a proof that she is legally wedded wife of the petitioner and different rituals were performed before and after marriage and as such the petitioner has committed offence as alleged in the complaint filed by the informant, the petitioner is not liable to be released on bail.

Learned counsel appearing on behalf of the State also opposes the prayer for grant of bail to the petitioner.

Having considered the rival submissions of the parties and the materials brought on record, this Court provisionally release the petitioner on bail, on furnishing bail bond of Rs.25,000/-(Rupees



Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Madhepura in connection with Mahila P.S. Case No.56 of 2019, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) Learned lower court is directed to expeditiously expedite the trial of the petitioner.

The learned court below is further directed if the conduct of the petitioner remains satisfactory and sincere endeavour is taken by him to arrive at some amicable settlement the provisional bail of the petitioner be confirmed on such term which the court fix in the facts and circumstances of the case.

(Purnendu Singh, J)

Prakash Narayan /-

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