

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17886 of 2020

Arising Out of PS. Case No.-372 Year-2019 Thana- JAGDISHPUR District- Bhagalpur

VIBHISHAN PASWAN Son of Shiv Narayan Paswan Resident of Village -
Satjauri Satnagar, P.S.- Goradih, District - Bhagalpur.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Gauri Kumari Wife of Vibhishan Paswan D/O- Rajesh Kumar Sudhanshu,
Resident of Village - Satjauri Satnagar, P.S.- Goradih, District - Bhagalpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anita Kumari Singh, Advocate

For the Opposite Party/s : Mr.Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 28-01-2021 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner has filed the instant application for grant of anticipatory bail apprehending his arrest in connection with Jagdishpur (Goradih) P.S. no. 372 of 2019 registered under sections 498A and 34 of the Indian Penal Code and sections 3 and 4 of the Dowry Prohibition Act.

As per allegation in the FIR, the petitioner was married to the Opposite Party no. 2 in the year 2012. The allegation is of demand of dowry and physical and mental torture by the accused persons including the petitioner herein. It is also alleged that the accused persons made a demand of a car



and Rs. 2 lacs and stated that only thereafter the Opposite Party no. 2 would be kept in the house.

It is submitted by learned counsel for the petitioner that the allegation against the petitioner who happens to be the husband of the informant as levelled in the FIR are false and concocted. A son was born out of the wedlock, however the differences between the petitioner and the Opposite Party no. 2 continued. It is submitted that it was as a result of the differences that on 16.11.2018 a 'sanha' (Annexure 2) was filed by the petitioner in the Court of learned Chief Judicial Magistrate, Bhagalpur and it was much thereafter that the instant FIR has been registered on 10.11.2019. It is submitted that the allegation as levelled in the FIR are false would also be evident from the fact that although an FIR was lodged by the father of the Opposite Party no. 2 on 10.4.2019 (Annexure 3), however, for seven months from the said FIR there was no allegation under section 498A of the Indian Penal Code against the accused persons including the petitioner nor any allegation under the Dowry Prohibition Act. The petitioner has no criminal antecedent.

The application for bail is opposed by learned APP for the State as also learned counsel for the Opposite Party no. 2. It



is submitted by learned counsel for the informant that not only the petitioner happens to be the husband of the informant but there is direct allegation against him besides others of demand of dowry and physical and mental torture of the Opposite Party no. 2. It is submitted that the role of the husband cannot be equated with the other accused persons and it is he who is responsible for the welfare of the informant. It is further submitted with respect to the FIR lodged by the father of the Opposite Party no. 2 that the same was with respect to a separate occurrence which took place when the father of the Opposite Party no. 2 had visited the house of the petitioner to amicably settle the dispute/differences and it is for this reason that inspite of the offences being committed by the petitioner, no FIR had been lodged earlier.

Having heard learned counsel for the parties and taking into consideration the submissions made on behalf of the petitioner, the Court is inclined to enlarge the petitioner on anticipatory bail. The petitioner is directed to surrender in the Court below within a period of six weeks from today and in the event of his arrest or surrender in connection with Jagdishpur (Goradih) P.S. Case no. 372 of 2019, he will be enlarged 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
learned Chief Judicial Magistrate, Bhagalpur subject to the
conditions as laid down under section 438(2) of the Cr.P.C.

(Partha Sarthy, J)

Prakash/-

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