

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 81433 of 2019

Arising Out of PS. Case No.-170 Year-2018 Thana- DARBHANGA COMPLAINT CASE
District- Darbhanga

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Rajesh Paswan Son of Ram Ashish Paswan Resident of Village - Navgaon,
P.S.- Keoti, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Radha Devi Wife of Rajesh Paswan, D/O- Baidnath Paswan Resident of
Village - Hichhol, P.S.- Ashok Paper Mill, District- Darbhanga.

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Devendra Kr. Sinha, Sr. Advocate Mr. Girish Chandra Jha, Advocate
For the State	:	Mr. Shailendra Kumar, APP
For Opp. Party No. 2	:	Mr. Ugranath Mallik, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

10 22-10-2021 Heard learned senior counsel for the petitioner,

learned APP for the State and learned counsel for the opposite

party no.2 through video conferencing.

The petitioner seeks anticipatory bail in connection with
Complaint Case No. 170 of 2018 registered for the offences
under Sections 498A, 379, 406, and 323 of the Indian Penal
Code and under Sections 3/ 4 of the Dowry Prohibition Act but
cognizance has been taken under Section 498(A) of the IPC
only.

Pursuant to the order dated 11.12.2019, notice was issued
to opposite party no.2, who has appeared suo motu.



In paragraph 6 of the bail petition, specific statement has been made to the effect that the petitioner is ready to keep the opposite party no.2 with full honour and dignity.

From the impugned order, it transpires that before the Additional Sessions Judge-III, Darbhanga, the opposite party no.2 had appeared in person but she was not willing to go with her husband and she further stated that the petitioner used to beat her frequently.

In such view of the matter, the petitioner is directed to visit his Sasural and take opposite party no.2 with him before 01.11.2021 and thereafter both the parties will file an application in the Court below that they have amicably settled their disputes and they are staying together. The petitioner will also provide a separate mobile phone and number to opposite party no.2 from which she can talk to her parents as and when she desires.

On filing of the aforesaid application by both the parties in the Court below, the Court below will release the petitioner on provisional bail for a period of three months on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Darbhanga in



connection with Complaint Case No. 170 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

After completion of three months, both the parties will again appear before the learned Court below. The Court below will verify the conduct of both the parties and thereafter take a decision either to confirm the provisional bail or to cancel the same in the facts of the case.

Till filling of the application by both the parties in the Court below, the interim protection granted to the petitioner vide order dated 11.12.2019 shall continue to operate.

With the aforesaid observations and directions, this bail petition is allowed.

(Sandeep Kumar, J)

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