

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17951 of 2022

Arising Out of PS. Case No.-745 Year-2021 Thana- MAHUA District- Vaishali

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SUDHIR PASWAN @ SUDHIR KUMAR S/o Aneshwar Paswan R/o
Village- Karhatia Buzurg, P.S.- Goraul, District- Vaishali at Hajipur.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR BIHAR
2. Ruby Kumari W/o Sudhir Paswan, D/o Chandeshwar Paswan Residing at
Parsaunia, P.O.- Mirzanagar, P.S.- Mahua, District- Vaishali at Hajipur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anish Chandra, Advocate

For the Opposite Party/s : Mr.Akbar Ali, APP.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 17-08-2022 Let the defect, if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State as well as learned counsel for the informant.

The petitioner seeks regular bail in connection with
Mahua P. S. Case No. 745 of 2021 lodged under Sections
498(A), 341, 323 and 504/34 of the Indian Penal Code.

As per the prosecution, the marriage of the informant
solemnized with the petitioner on 26.06.2021 according to
Hindu Rites and Rituals in a temple. It has been alleged that the
petitioner started demanding Rs.5,00,000/-, otherwise he refused
to keep his wife. On this pretext, the present case has been filed.

Learned counsel for the petitioner submits that present case is out and out false one. He further submits that he is a married person and his marriage has already been solemnized on 11.03.2021 (marriage card annexed as Annexure-2). He further submits that petitioner has been made accused with ulterior motives. Learned counsel for the petitioner further submits that charge sheet has been filed in this case and petitioner is in custody since 21.01.2022 in this case having clean antecedent.

Learned counsel for the informant has appeared in this case and vehemently opposes the prayer for bail, during submission it has been informed to the Court that the informant and the petitioner were caught raid handed by the local villagers and thereafter on the instance of society, their marriage was solemnized.

Learned counsel for the State submits that the question, the existence of marriage is in dispute and the Principal Judge, Family Court is the competent person/authority to resolve the dispute that whether there is existence of marriage present between the informant and the petitioner or not.

In the present facts and circumstances of the case and the submissions made above, let the petitioner above named, be

granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Mahua P.S. Case No. 745 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall resulted into cancellation of his bail bond.

B. One of the bailor shall be close relative who shall file affidavit before the court about his relation with the petitioner.

Informant is at liberty to take legal recourse.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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