

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31411 of 2022

Arising Out of PS. Case No.-570 Year-2021 Thana- KAHALGAON District- Bhagalpur

NIRANJAN PASWAN S/o Mahadeo Paswan Resident of Village-Chillah,
P.S.-Mehgama, District-Godda, Jharkhand.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Kalyani Devi W/o Niranjan Paswan, D/o Late Brahmdeo Pal Resident of Village-Ladma, P.S.-Kahalgaon, District-Bhagalpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sangeet Deokuliar, Advocate

For the Opposite Party/s : Mr.Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-09-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in a case registered for the offence punishable under Sections 498A, 323,504,494,506,34 of the IPC and Sections 3 and 4 of Dowry Prohibition Act.

The prosecution case, in short, is that the informant (wife of the petitioner) alleges that the petitioner told her to bring Rs.One Lac from her mother and brother otherwise he will perform second marriage. She is blessed with a son also. She



alleges that when her parents-in-law did not pay any heed, she informed her mother, brother and other relatives, who came, and it is alleged that in front of them she was ousted from her matrimonial home. It is further alleged that on 31.08.2021 at about 01.00 PM the petitioner entered into her house and tried to strangle her.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case. Further submits that in fact the petitioner is husband of the informant and the allegation alleged in the FIR is fabricated. Further submits that in fact the informant does not want to live in the matrimonial house with her in-laws and husband and for that, the petitioner has filed a petition for restitution of conjugal rights before the court concerned and the petitioner is in custody since 27.12.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, 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 Court below where the case is pending in connection with Kahalgaon P.S.



Case No.570 of 2021, G.R.No.3667 of 2021, with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

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

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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