

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45591 of 2021

Arising Out of PS. Case No.-658 Year-2020 Thana- MAJHAULIA District- West Champaran

Jitendra Paswan @ Jitendra Kumar Son of Jaynath Paswan Resident of
Village- Paraspakri Ward No.2, P.S.- Majhauiliya, District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Mamta Devi W/o Jitendra Paswan Resident of Village- Paras Pakri, Ward No. 2, Police Station- Majhauiliya, District- West Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Anant Kumar Mishra, Advocate
For the State	:	Mr. Jagdhar Prasad, APP
For O.P. No.2	:	Mr. Sachida Nand Rai, Advocate

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 28-06-2022 Heard learned counsel for the parties.

The petitioner apprehends his arrest in connection with Majhauilia P.S. Case No.658 of 2020, registered for the offences punishable under Sections 498(A), 341, 342, 323, 324, 379, 307, 504, 506 and 34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

The petitioner along with other in-laws are said to have tortured the informant mentally and physically for non-fulfillment of demand of additional dowry.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. It is further submitted that no occurrence as



alleged in the FIR has ever been taken place. The entire allegation is false and baseless. There is no specific allegation against the petitioner. It is further submitted that the petitioner has filed a case for restitution of conjugal rights in the court of learned Principal Judge, Family Court, Bettiah, West Champaran being Matrimonial Case No.239 of 2020. It is also submitted that he is still ready to keep the informant with full dignity and honour.

Learned APP for the State and learned counsel appearing on behalf of the informant opposed the prayer for anticipatory bail of the petitioner.

The petitioner is ready to pay Rs.3000/- per month to the informant in the first week of every month.

Taking into consideration the facts aforesaid, let petitioner, above named, in the event of his arrest or surrender before the learned court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Majhauria P.S. Case No.658 of 2020, subject to the conditions laid down under Section 438(2) of the Code of Criminal



Procedure.

It is made clear that if petitioner fails to pay Rs.3000/- to the informant for two consecutive months, the learned court below would be at liberty to cancel the bail bond of the petitioner. It goes without saying that the aforesaid payment shall be subject to any order being passed in matrimonial maintenance case or any other collateral proceedings.

The opposite party no.2 is directed to furnish her account details in the learned court below so that the maintenance amount be credited into her account in the first week of every month.

The present order, in anyway, will not preclude the parties to resolve the issue otherwise.

(Anjani Kumar Sharan, J.)

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