

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4923 of 2023

Arising Out of PS. Case No.-340 Year-2022 Thana- MAJORGANJ District- Sitamarhi

NITISH PASWAN @ NITES KUMAR, Son of Nagendra Paswan R/v-
Akhardiha @ Akhdiha, P.S.- Majorganj, District- Sitamarhi

... .. Petitioner/s

Versus

1. The State of Bihar
2. CHANCHALA KUMARI, Wife of Nitish Paswan, D/o Ram Nandan Paswan R/v- Akhardiha, P.S.- Majorganj, Dist- Sitamarhi, at present R/v- Dalkawa, P.S.- Sonbarsa, District- Sitamarhi

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Santosh Kumar, Advocate
For the Opposite Party/s	:	Mr. Sunil Kumar Pandey, APP
		Mr. Kundan Rathore@ Kundan Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 11-09-2023 1. Heard learned counsel for the petitioner, learned A.P.P. for the State and learned counsel for the opposite party no.2.

2. The petitioner has preferred this application for grant of anticipatory bail apprehending his arrest in connection with Majorganj P.S. Case no. 340 of 2022, registered under sections 498A, 354B and 34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

3. As per the prosecution case, the informant states that she was married to the petitioner in February, 2020. Soon after going to her *sasural*, the ten named accused persons including the petitioner herein started pressurizing her to make a



demand and get Rs.5 lacs from her father. There is further allegation of abuse, assault, physical and mental torture against the accused persons as also her brother-in-law (*nandosi*) making an attempt to commit rape. The accused persons also made an attempt to pour kerosene oil on her and tried to burn her. They also made an attempt to poison her by mixing poison in the food.s

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. No such occurrence as alleged in the FIR has taken place and the petitioner has been falsely implicated on account of his being the husband. Allegations including of assault, poisoning and burning have been made against the accused persons without bringing any injury report on record. The petitioner has no criminal antecedent.

5. The application for anticipatory bail is opposed by learned A.P.P. for the State who submits that the petitioner is the husband of the informant and there is direct allegation against him in the FIR. He further states that the case be sent to mediation centre, as there is chance of compromise between the parties.

6. Having heard learned counsel for the parties and having perused the material on record including the order of the



learned Court below rejecting the prayer for bail of the petitioner it transpires that the matter had been sent for reconciliation between the parties, however, the same did not succeed.

7. In view of the facts and circumstances of the case, including the submissions made on behalf of the petitioner, no injury report etc. having been brought on record in support of the allegations levelled in the FIR, it is directed that the petitioner, above named, in the event of his arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Majorganj P.S. Case no. 340 of 2022, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-I, Sitamarhi.

(Partha Sarthy, J)

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