

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44034 of 2023

Arising Out of PS. Case No.-203 Year-2009 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

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Shambhu Paswan @ Shambhu Kumar, Son of Triveni Paswan, Resident of
Village- Bagha, Ward No. 25, P.S.- Lohiyanagar, Distt- Begusarai

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shiv Kumari, Wife Of Shambhu Paswan @ Shambhu Kumar, Resident Of
Village- Pahsara Wabhavgama, P.S.- Navokothi, Distt- Begusarai; Present
Address Village- Bihata, P.S.- Barauni, Dist- Begusarai

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Saroj Kumar Sharma, Adv.
For the State	:	Mr. Syed Ehteshamuddin, APP
For the Informant	:	

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 25-07-2023 Heard learned counsel for the petitioner and the

learned APP for the State.

2. Petitioner seeks regular bail in connection with

Complaint Case No. 203C of 2009 dated 28.01.2009 registered
for the offences punishable under Sections 323, 498(A) and
307/34 of the Indian Penal Code and Sections 3 and 4 of the
Dowry Prohibition Act.

3. The main submissions advanced by learned
counsel for the petitioner are that the marriage between this
petitioner and the complainant took place in the year 2007 and
the complaint case No. 292C/2012 was filed by the same



complainant for the offence punishable under Section 498(A) of the IPC in which he has been granted bail by a co-ordinate Bench of this Court vide order passed in Cr. Misc. No. 39644/2013 and the second case bearing Beerpur P.S. case No. 124/2022 was lodged by another person for the offences punishable under Sections 417, 468, 469 and 471 of the IPC in which he has been granted bail by another co-ordinate Bench of this Court vide order passed in Cr. Misc. No. 25660/2023 and in the light of the direction given in the order passed in Cr. Misc. No. 7480/2012, the complainant went to her matrimonial home with this petitioner on 11.06.2012 and after some months she again filed a complaint petition against this petitioner for the offence punishable under Section 498(A) of the IPC in which the petitioner has been granted bail vide order passed in Cr. Misc. No. 39644/2013 and according to the condition fixed in that order he is paying Rs. 500/- to the complainant regularly. Further submissions are that the petitioner inadvertently and due to mistake could not appear before the S.D.J.M. Court, Begusarai in connection with Complainant Case No. 203C/2009 and accordingly processes have been issued against him and finally, he was taken into custody and he has been languishing in jail since 21.01.2023.



4. Learned APP appearing for the State has opposed the bail prayer.

5. Considering the above submissions and mainly the facts that the petitioner is facing two cases based on complaint lodged by the complainant mainly for the offence punishable under Section 498(A) of the IPC and the marriage in between this petitioner and the complainant took place in the year 2007, in my opinion it is a fit case for bail to the petitioner. Accordingly, let the petitioner named-above be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Complaint Case No. 203C of 2009.

(Shailendra Singh, J)

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