

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48863 of 2022

Arising Out of PS. Case No.-55 Year-2021 Thana- MAHILA P.S District- Supaul

Chhotu Paswan @ Chhotu Kumar S/O Lutan Paswan R/O Village-
Maheshpur, P.S.- Pipra, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Patla Kumari, Advocate

For the Opposite Party/s : Mr. Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 13-03-2023 Heard Ms. Patla Kumari Singh, learned counsel

appearing on behalf of the petitioner and Mr. Kalyan Shankar,

learned APP appearing on behalf of State.

2. The petitioner apprehends his arrest in connection
with Mahila P.S. Case No. 55 of 2021 registered under Section
498A, 341, 323, 379, 504, 506 and 34 of the Indian Penal Code.

3. Learned counsel appearing on behalf of Opposite
Party No. 2 at the outset submitted that in view of specific
statement made in Paragraph 6 of the bail application, if the
Opposite Party No. 2 is ready to live along with the petitioner,
he will keep her with full dignity and honour and supports her
monetarily. Opposite Party No. 2 has no objection, if the
petitioner is released on provisional bail on any terms and
conditions imposed by this Court.



4. Learned APP has no objection.

5. Considering the nature of allegation made against the petitioner and the submission made by learned counsel appearing on behalf of Opposite Party No. 2 that Opposite Party No. 2 is ready to live along with the petitioner, who is her husband, if the petitioner is ready to keep her with full dignity and honour and support her financially. The petitioner is directed to approach the Opposite Party No. 2 so that the Opposite Party No. 2 may live along with the him and lead the happy matrimonial life.

6. In above view of the matter, the petitioner has made out a prima facie case to be released on provisional bail subject to the condition that either party do not make any complaint and lead their matrimonial life happily.

7. Court below is directed to release the petitioner on provisional bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each, one of the bailors must be father of the petitioner, to the satisfaction of learned S.D.J.M., Supaul in connection with Mahila P.S. Case No. 55 of 2021, subject to the condition as laid down under Section 438(2) of



the Cr.P.C and following conditions:-

(i) The petitioner and Opposite Party No. 2 must live without interference of any of the close family members. The petitioner must support Opposite Party No. 2 financially.

(ii) The petitioner should not indulge in any illegal act or threaten the Opposite Party No. 2 for fulfillment of any demand which is not acceptable for healthy matrimonial relationship.

(iii) The court below is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in paragraph No.3 of the bail application, this order will automatically loose its force.

(Purnendu Singh, J)

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