

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58291 of 2023

Arising Out of PS. Case No.-233 Year-2023 Thana- MUFFASIL District- Aurangabad

Sharwan Paswan, Son Of Late Phaguni Paswan, Resident Of Village- Khan,
Ps- Aurangabad Muffasil, Distt- Aurangabad

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shanti Devi, Wife Of Sharwan Paswan, Resident Of Village- Khan, Ps-
Aurangabad Muffasil, Dist- Aurangabad

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar Singh

For the Opposite Party/s : Mr. Rajesh Kumar

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 13-12-2023 Heard Mr. Sailesh Kumar Singh, learned counsel
appearing on behalf of the petitioner and learned Additional
Public Prosecutor for the State. Despite the valid service of
notice none appears on behalf of the opposite party no. 2.

2. The petitioner who happens to be husband of the
opposite party no. 2 apprehends his arrest in connection with
Aurangabad Muffasil P.S. Case No. 233 of 2023, registered for
the offences punishable under Sections 341, 323, 308, 498(A),
506/34 of the Indian Penal Code.

3. The prosecution case is based on the written report
of the informant alleging therein that his husband has illicit
relation with some other woman and because of which, he



always used to threaten and misbehave with her. It is further alleged that the petitioner also neglected to maintain the opposite party no. 2 and her children, and tried to eliminate the informant. On account of all the aforesaid reason, the informant and her daughter were being also assaulted by other accused persons, including the petitioner.

4. Learned counsel appearing on behalf of the petitioner submits that on account of the fact that the opposite party no. 2 had some medical issues and she was unable to conceive and thus, with the consent of the opposite party no. 2 the petitioner has solemnized second marriage with another woman, namely Urmila Devi, who has also been made accused in this case. It is submitted that on account of dispute regarding share of the property, a quarrel took place between both the wives which resulted into case and counter case, moreover the second wife also lodged Aurangabad P.S. Case no. 234 of 2023 against the informant. He next submitted that the petitioner has never assaulted his wife and his son and he has always been ready to maintain the opposite party no. 2.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application.

6. Regard being had to the submissions made on



behalf of the parties and considering the factum of case and counter case instituted by both the wives on account of share of the property, that apart the marriage was solemnized more than a decade ago, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M. Aurangabad in connection with Aurangabad Muffasil P.S. Case No. 233 of 2023, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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