

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3151 of 2023

Arising Out of PS. Case No.-58 Year-2021 Thana- MAHILA P.S. District- Rohtas

BHARAT PASWAN Son of Sahdeo Paswan R/V- Chorahi, P.O and P.S-
Chenari, Distt- Rohtas

... .. Petitioner/s

Versus

1. The State of Bihar
2. Manisha Devi Wif of Bharat Paswan, D/o Late Shyam Bihari Paswan R/V-
Karmainee Khurd, P.O- Maidura, P.S- Bikramganj, Distt- Rohtas

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Mishra, Advocate
For the Opposite Party/s : Mr. Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 19-06-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 420, 498(A) and 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and is the husband and the informant alleges that she was married with the petitioner by her step-mother on 25.06.2019, it is further alleged that her husband is impotent about which she informed her step mother and mother-in-law but they advised her to marry Nitish Kumar, her devar, further in the night, her in-laws sent Nitish



Kumar in her room and he established physical relation on assurance of marrying her and thereafter she was blessed with a baby by Nitish. It is next alleged that despite requesting Nitish to marry her, he kept ignoring her and when she went to her parental place for appearing in an examination, she was informed that Nitish is performing his marriage, accordingly the present case came to be instituted.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and from bare perusal of the allegations as alleged in the FIR it would manifest that that allegation borders on absurdity, it is next submitted that though the informant has alleged that petitioner was impotent but then from perusal of the impugned order itself it would manifest that the same records that a medical test of the petitioner was also conducted in which he was found potent. Learned counsel next submits that it absolutely does not stand to reason that when the informant was married to the petitioner then on what basis she established physical relation with her brother-in-law. Learned counsel further submits that the allegations are in realm of allegations and the child belongs to the petitioner and since the informant does not want to stay with the family, as such a false and



concocted case came to be instituted.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the 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 released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Dehri Mahila P.S. Case No. 58 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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