

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18570 of 2024**

Arising Out of PS. Case No.-22 Year-2023 Thana- MADANPUR District- Aurangabad

Ajit Paswan @ Jit Paswan @ Jitwahan Paswan Son Of Late Bigan Paswan
R/O-Dhobdiha, P.S.-MADANPUR, Distt.- AURANGABAD.

... .. Petitioner/s

Versus

1. The State of Bihar BIHAR
2. Usha Kumari Wife Of Ajit Paswan @ Jit Paswan @ Jitwahan Paswan D/O-
Ramlal Paswan, R/O- Dhobdiha, P.S.- MADANPUR, Distt.-
AURANGABAD. At Present R/O- Bakan, P.S.- FESAR, Distt.-
AURANGABAD.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Singh

For the Opposite Party/s : Mr.Ram Bilash Roy Raman

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 01-04-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Madanpur P.S. Case No. 22 of 2023, registered
for the offences punishable under Sections 494, 498A of the
Indian Penal Code and u/s 3/4 of the D.P. Act.

3. As per the prosecution case, the petitioner and other co-
accused persons are alleged to have tortured the complainant
mentally and physically due to non-fulfillment of demand of Rs.



1,00,000/- as a dowry. Further, the petitioner contracted second marriage with one Sushma Kumari and the complainant was ousted from the matrimonial home by the accused persons.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in this case. The petitioner neither demanded any dowry nor tortured the complainant. It is further submitted that the petitioner is the husband of the complainant and he has no concern with the alleged offence. It is submitted that the complainant herself does not want to live with the petitioner. The petitioner is ready to keep the complainant as his wife with full dignity and honour as stated in paragraph no. 12 of the bail petition. Learned counsel for the petitioner has relied upon the judgments of this Court in the case of ***“Md. Naimul Haque Ansari @ Naimul Haque Ansari & Ors. Vs. The State of Bihar, reported in 2006(3) PLJR 182”*** and in the case of ***Satendra Kumar Antil Vs. Central Bureau of Investigation and Another (2022) 10 SCR 351 and Md. Asfak Alam Vs. The State of Jharkhand & Anr.*** passed in ***Criminal Appeal No (s). 2207 of 2023 arising out of Special Leave Petition (CRL.) No. 3433 of 2023***. Learned counsel for the petitioner has further submitted that Section 498A of the Indian Penal Code is triable



by the Magistrate. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned court concerned, Aurangabad in connection with Madanpur P.S. Case No. 22 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure with further condition:

I) The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.

7. If so advised, either of the parties will be at liberty



to make an application before the court below for referring the matter to the District Mediation Centre for the purpose of reconciliation or one time settlement.

8. The application stands allowed.

(Chandra Prakash Singh, J)

Ranjeet/-

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