

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19524 of 2024

Arising Out of PS. Case No.-723 Year-2019 Thana- PATNA COMPLAINT CASE District-
Patna

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Mahesh Paswan, Son of Saryug Paswan Resident of Village- Barandi, P.S.-
Rahui, District-Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ansuiya Devi, Wife of Mahesh Paswan, Resident of Village-Pitaunjiya, P.S.-
Rahui, District-Nalanda. At present Basudeo Paswan, Resident of Village-
Bellaur, P.S.-Barh, District-Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Ashok Kumar Kashyap, Advocate
For the State	:	Mr.Nityanand, APP
For the O.P. No. 2	:	Mr. Kundan Kumar Ojha, Advocate Mr. Gyanendra Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

6 16-12-2024 Heard learned counsel for the petitioner, learned

A.P.P. for the State and learned counsel for the opposite party

no. 2.

02. In the present case, the petitioner is apprehending

his arrest in connection with Complaint Case No. 723 (c)/ 2019

registered for the alleged offences under Section 323 & 498A of

the Indian Penal Code.

03. As per prosecution case, the petitioner is the

husband of the complainant and the allegation is that of

demanding dowry and consequent torture on account of non-



fulfillment of demand of dowry.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner never tortured or treated the complainant with cruelty. The petitioner is ready to keep his wife with honour and dignity. The learned counsel further submits that the petitioner is ready and willing to make payment of Rs. 5,000/- per month to the opposite party no. 2 and his children towards their maintenance till disposal of the present case.

05. Learned A.P.P. for the State and learned counsel for the opposite party no. 2 vehemently oppose the submission made on behalf of the petitioner. Learned counsel for the opposite party no. 2 submits that the petitioner has no intention of keeping his wife and children and has been making false averment on this count.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the nature of allegation, relationship of the parties and further considering the undertaking of the petitioner, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/-



(Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1, Barh, Patna, in connection with Complaint Case No. 723 (C) of 2019, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

(i) The petitioner would make payment of Rs. 5,000/- per month on or before 15th day of each month till disposal of Complaint Case No. 723 (C) of 2019.

(ii) One of the bailors will be a close relative of the petitioner.

(iii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

07. However, it is made clear that payment of the amount will be subject to adjustment pursuant to further orders



made by any competent court with regard to maintenance to the
opposite party no. 2.

(Arun Kumar Jha, J)

V.K.Pandey/-

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