

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58025 of 2024

Arising Out of PS. Case No.-72 Year-2024 Thana- KALYANPUR District- Samastipur

Vikash Paswan @ Vikas Kumar Son of Dahaur Paswan Resident of Village-
Manikauli, Ward No 04, P.S.- Kalyanpur, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anish Kumar, Adv.

For the Opposite Party/s : Mr. Mohammad Sufyan, APP

For the Informant : Mr. Bijay Bhushan Prasad, Adv.

Ms. Rani Shashi Bharti, Adv.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 24-09-2024 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State along with learned counsel appearing on
behalf of the informant.

2. The petitioner apprehends his arrest in connection
with Kalyanpur P.S. Case No.72/2024, registered for the offence
punishable under Sections 323, 341, 447, 385, 376, 406, 420,
307, 354(B), 311, 313, 314, 504, 506, 471 and 34 of the Indian
Penal Code.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and the informant
alleges that she was married to Shankar Paswan about 20 years
ago, out of the wedlock, 3 children were born, further, her
husband died about 10 years back, next alleges that after the
death of her husband, the petitioner fell in love with her and
proposed for marriage, which was accepted by the family



members also, thereafter, petitioner took her to Mumbai and married there, after sometime, she became pregnant but petitioner got her five months pregnancy aborted by forcefully giving her medicine, the photograph of the child in the womb is annexed with the complaint, it is further alleged that she received an amount of Rs.2 lacs after selling her land, which she had kept for repairing the ceiling but the petitioner took the said money, and thereafter, married Shilpa, hence, the complainant went to institute an F.I.R. but the same was not registered, it is next alleged that petitioner now is trying to make her sell 10 kathas of land, which she has in her name, further the petitioner after exploiting her sexually for 10 years, ousted her and presently she is carrying two months pregnancy and the child is of the petitioner.

4. The learned counsel submits that petitioner has been falsely implicated in the instant case by the informant. It is next submitted that no doubt the petitioner and the informant were known to each other and even stayed together at Mumbai but then petitioner never married the informant nor the F.I.R. has been instituted under section 498A of the I.P.C. It is next submitted that petitioner and the informant had clarity in their relationship that they will live together but will not marry. It is



also submitted that allegation of getting the informant aborted while she was carrying foetus of five months is vehemently denied. It is further submitted that informant herself was never interested in the child. It is also submitted that after the petitioner performed his marriage with Shilpa, thereafter the instant case came to be instituted.

5. The learned counsel appearing on behalf of the informant vehemently opposes the prayer for anticipatory bail of the petitioner and submits that informant has not concealed anything rather has stated that she was earlier married to Shankar Paswan about 20 years ago and after his death the petitioner fell in love with her and proposed for marriage, on which, the family members also agreed, and thereafter, he took her to Mumbai, where the petitioner married the informant. It is also submitted that the petitioner and the informant stayed together at Mumbai for 10 long years, as husband and wife. It is next submitted that no doubt, the F.I.R. has not been instituted under section 498A of the I.P.C. but then the tenor of allegation amply reflects that informant has alleged that she was married to the petitioner at Mumbai. It is also submitted that during the course of investigation, if the police finds that offence under section 498A of the I.P.C. is also made out, in that event, the



section would be added but then that cannot be a ground at this stage for considering that petitioner had not married the informant. It is also submitted that specific allegation has been alleged in the F.I.R. that informant is still carrying a pregnancy of two months and the child belongs to the petitioner, but then from pleadings made in the anticipatory bail application, it would manifest that the petitioner has not denied the said allegation, which amply demonstrates that petitioner on one hand is sexually abusing the informant and on the other hand is enjoying his life with his second wife Shilpa.

6. Considering the submissions made by the learned counsel appearing on behalf of the informant, the court is not inclined to extend the privilege of anticipatory bail to the petitioner.

7. The anticipatory bail application of the petitioner is rejected.

(Satyavrat Verma, J)

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