

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.63428 of 2023

Arising Out of PS. Case No.-898 Year-2021 Thana- DARBHANGA COMPLAINT CASE
District- Darbhanga

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HIRENDRA PASWAN @ HIRENDRA KUMAR PASWAN S/O UPENDRA PASWAN R/O VILLAGE/MUHALLA- DOHAT NARAYAN CHHAPKI, P.S- BAHERI, DISTT.- DARBHANGA.

... .. Petitioner/s

Versus

1. The State of Bihar
2. KUMARI MAMTA RAUSHAN W/O HIRENDRA PASWAN R/O VILLAGE/MOHALLA- AHIYARI GOT, P.S- KAMATAUL, DISTT.- DARBHANGA.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kedar Jha
For the Opposite Party/s : Mr. Mithlesh Kumar Khare

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

- 4 29-02-2024 1. Heard learned Counsel for the petitioner, learned Counsel for the complainant-Opposite Party No. 2 and learned Additional Public Prosecutor for the State.
2. The petitioner apprehends his arrest in connection with Complaint Case No. 898 of 2021, registered for the offences punishable under Section 497, 498-A of the Indian Penal Code.
3. The allegation, as per the complaint, is that the marriage of the Opposite Party No. 2 was solemnized with the petitioner in the year 2012 and two children were born from the wedlock. The petitioner is father of three children, two son and one daughter, from O.P. No. 2. The petitioner and other family members started demanding one motorcycle and one golden chain and due to non-fulfillment of the said demand, they tortured the Opposite Party No. 2 physically as well as mentally. The petitioner, along with his family members



ousted the opposite party no. 2, along with her three children after snatching her belongings, from her matrimonial home.

4. Learned Counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case. Learned counsel further submits that the allegations against the petitioner are false and concocted. However, without prejudice to the right and contention of the petitioner, and in order to maintain harmony in the family, the petitioner is ready and willing to pay a sum of Rs. 10,000/- per month to the Opposite Party No. 2 as living cost, subject to the final outcome of the present case as well as the matrimonial case, if any, pending and or decided between the parties.
5. Learned Counsel for the complainant-Opposite Party No. 2 accepts the offer so made by learned Counsel for the petitioner and submits that the petitioner may be directed to deposit the said amount of Rs. 10,000/- per month in the bank account of the complainant-Opposite Party No. 2, details of which shall be furnished by learned Counsel for the Opposite Party No. 2 to learned Counsel for the petitioner within ten days from today.
6. After having heard learned Counsel for the parties and taking into consideration the materials on record and the fact that the offer made by learned Counsel for the petitioner has been



accepted by learned Counsel for the Opposite Party No. 2, I am inclined to grant the petitioner privilege of anticipatory bail.

- 7. This application is, accordingly, allowed.
- 8. Let the petitioner, above named, in the event of his arrest/surrender before the learned Court below within a period of six weeks from today, be released on bail, upon furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Darbhanga, in connection with Complaint Case No. 898 of 2021.
- 9. This is subject to the condition that the petitioner shall deposit a sum of Rs. 10,000/- per month in the bank account of Opposite Party No. 2, staring from 10th March, 2024.

(Anil Kumar Sinha, J)

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