

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64290 of 2023

Arising Out of PS. Case No.-1 Year-2023 Thana- PATNA COMPLAINT CASE District-
Patna

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Lalbabu Paswan Son of Yogendra Pawan R/o vill - Mahadeo Math, P.S. -
Bhadaur, Distt. - Patna

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Dolly Devi Wife of Lalbabu Paswan R/o vill - Mahadeo Math, P.S. -
Bhadaur, Dist. - Patna at present resides in the House of her father namely
Sambhu Paswan, resident of Mekra English, P.S. - Pandarak, Distt. - Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Manoj Kumar Pandey, Advocate
For the State	:	Mr. Nawal Kishore Prasad, APP
For the informant	:	Mr. Satya Prakash, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 27-02-2024 Heard learned counsel for the petitioner, learned
counsel for the complainant/O.P. No.2 as well as learned
Additional Public Prosecutor for the State

2. The petitioner is apprehending their arrest in
connection with Complaint Case No.01 of 2023, registered for
the offence punishable under Sections 498A, 323, 494 of the
Indian Penal Code and Section 3/4 of the D.P. Act.

3. The prosecution story, in brief, is that on
29.04.2017, the marriage of the complainant Dolly Devi was
solemnized with Lal Babu Paswan and after marriage she has
gone to her Sasural where she was tortured physically and
mentally and demanded Rs. 1,00,000/- and one motorcycle as



dowry by all the accused persons named in the complaint petition. The complainant informed her parents about torture and demand then they fulfilled their demand and gave Rs. 1,00,000/- to the mother and father of the petitioner namely Ruko Devi and Yogendra Paswan, but after sometime motorcycle was demanded. On 02.06.2018, she was frightened away by the accused after keeping her ornament and other materials after assault her. After some time she has born her daughter. Lal Babu Paswan gone to Durgapur then she has also gone there then knew that her husband had married with other lady namely Tannu Dhubol before two months. There she was tortured by the petitioner and by co-accused Tannu Dhubol and also assaulted by them and also threatened to kill her and her daughter. Then on 20.12.2022 she returned to her parental house. Accordingly, the complaint.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not made accused in the present case.

5. Vide order dated 18.10.2023 the matter was referred to the Patna High Court Mediation Center for



settlement of the dispute, but the report of the learned Mediator dated 06.02.2024 reveals that the dispute between the parties could not be resolved through the process of the mediation.

6. Learned counsel for the complainant/O.P. No.2 submits that the complainant is not ready to live with the petitioner because of the fact that the petitioner has performed second marriage with another lady and learned counsel for the petitioner alleged that the complainant has solemnized second marriage with the another person.

7. Learned counsel for the informant as well as learned APP for the State have vehemently opposed the prayer for anticipatory bail of the petitioner and submits that petitioner has demanded the dowry from the family member of the complainant/O.P. No.2.

8. Considering the aforesaid facts and rival submissions of both the parties, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Barh, Patna in connection with Complaint Case No.01 of 2023, subject to



the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(i) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bonds shall be cancelled by the Court below.

(ii) If the petitioner tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of his anticipatory bail.

(iii) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation of anticipatory bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Prakash Narayan

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