

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71468 of 2024

Arising Out of PS. Case No.-1440 Year-2023 Thana- SAHARSA COMPLAINT CASE
District- Saharsa

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Rakesh Kumar Paswan S/O Chait Paswan Constable No. 263 at present Khantar Chouk, Saraswati Nagar Ward No.-12, P.S and Dist.- Saharsa, Permanent Resident of Village and P.O.- Sinha, P.S.- Barhara (Sinha P.S. Now), Distt.- Bhojpur, PIN- 803216.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Gulshan Jahan W/O Rakesh Kumar Paswan, D/O Abdul Rahim Ansari At present Khantar Chouk Saraswati Nagar Ward No.-12, Saharsa, P.S and Distt.- Saharsa Maiké at Village and P.O- Chakia Ward No.-1, P.S- Ara (Mufassil), Distt.- Bhojpur, PIN- 802207.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Amarnath Jha, Advocate
For the State	:	Mr. Mukesh Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 23-10-2024 Heard Ld. counsel for the petitioner and Ld. APP for the State.

2. The petitioner seeks bail, apprehending his arrest, in connection with Complaint Case No. 1440C of 2023 dated 14.12.2023, registered for the offences punishable under Sections 323, 341, 354(B), 498(A), 312, 313 and 504 of the Indian Penal Code as well as under Section 3 of Dowry Prohibition Act.

3. As per the allegation, there was love marriage between the complainant and the petitioner and after marriage,



the complainant was subjected to cruelty.

4. Ld. counsel for the petitioner submits that the marriage is not working properly. Hence, on account of matrimonial discord, the present false case has been filed by the complainant. Moreover, petitioner is a police constable in Bihar Government.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the bail petition that the petitioner has no criminal antecedent.

7. However, Ld. APP for the State vehemently opposes the prayer of the Petitioner for bail.

8. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt/production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. S.D.J.M., Saharsa, in connection with Complaint Case No. 1440C of 2023, subject to the conditions as



laid down under Section 438 (2) Cr.P.C. and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J.)

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