

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71717 of 2024

Arising Out of PS. Case No.-703 Year-2023 Thana- NALANDA COMPLAINT CASE
District- Nalanda

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Ashutosh Kumar Paswan S/O Naval Paswan Resident of Village- Vishunpur,
P.S- Ben, District- Nalanda.

... .. Petitioner

Versus

1. The State of Bihar
2. Neha Kumari D/o Narendra Paswan, W/O Ashutosh Kumar Paswan R/O
Village- Badabigha, P.S- Noorsarai, Distt.- Nalanda.

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Bhola Prasad, Advocate
For the State	:	Mr. Shailendra Kumar Singh

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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.703(c) of 2023, filed for
the offence punishable under Section 498(A) of the Indian Penal
Code.

3. As per allegation, the Petitioner husband has
subjected the Informant wife to cruelty on account of non-
fulfillment of demand of dowry. He has also entered into second
marriage with the co-accused Khusnuma Kaisar.

4. Ld. counsel for the petitioner submits that the



Petitioner is innocent and has falsely been implicated in this case. He further submits that on account of matrimonial discord, this false Complaint Case has been lodged against the Petitioner. He further submits that he has never entered into any second marriage and he has already filed matrimonial case under Section 9 of the Hindu Marriage Act, for restitution of conjugal rights against the Complainant/wife.

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 antecedents.

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 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Judicial Magistrate (8)-Ist Class, Nalanda, in



connection with Complaint Case No.703(c) 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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