

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16774 of 2025

Arising Out of PS. Case No.-2063 Year-2022 Thana- COMPLAINT CASE District- Araria

Abhishek Paswan Son of Late Shingheshwar Paswan Village- Om Nagar,
Bind Tola, Ward No. 8, P.S. and District- Araria

... .. Petitioner/s

Versus

1. The State of Bihar
2. Gunja Devi, w/o abhishek paswan R/o vill- Ithara, ward no. 13, panchayat
-hayatpur, p.s and distt- Araria

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Narayan Mahto, Advocate

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 04-08-2025 Despite valid service of notice, no one appears on
behalf of the complainant.

2. Heard Mr. Ram Narayan Mahto, learned counsel for
the petitioner and Mr. Anil Kumar Singh No. 1, learned
Additional Public Prosecutor for the State.

3. The petitioner is apprehending his arrest in
connection with Complaint Case No. 2063 of 2022 for the
offences punishable under Sections 323 and 498(A) of the
Indian Penal Code.

4. According to prosecution case, all the accused
persons including the petitioner have demanded Rs. 1 lakh from
the complainant as gift and on non-fulfillment of the same they



have assaulted and abused her. It is further alleged that the petitioner has also performed second marriage with one Pratima Devi.

5. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the complaint petition is false and fabricated and the petitioner has not committed any offences as alleged in the complaint petition. He further submits that it appears from the complaint petition that date of occurrence is 26.08.2022 but the complaint petition has been filed on 29.09.2022 i.e., after delay of one month only to harass the petitioner. Apart from that it appears from the complaint petition that the marriage took place in the year 2014 and between 2014 to 2022 the complainant has not lodged any complaint against the petitioner.

6. Learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

7. Considering the aforesaid facts and circumstances that the petitioner has clean antecedent and the complaint petition has been filed after delay of one month, 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 bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Araria in connection with Complaint Case No. 2063 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita 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 bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of 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 antecedent, the court below shall take step for cancellation of 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)

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