

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65888 of 2024

Arising Out of PS. Case No.-109 Year-2023 Thana- HASPURA District- Aurangabad

Jagjeet Paswan, Son of Ramanand Paswan, Resident of Village- Taal Bigha,
Bibipur, PS- Haspura, District- Aurangabad

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rinki Kumari, D/O- Yamuna Dusadh, Resident of Village- Khangarh, PS- Arwal, District- Arwal

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rakesh Singh, Advocate
For the Opposite Party No. 2	:	Mr. Ashok Kumar Singh, Advocate
For the State	:	Mr. Additional Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 18-01-2025 Heard Mr. Rakesh Singh, learned Advocate appearing on behalf of the petitioner and the learned Additional Public Prosecutor for the State. The opposite party no. 2 appears through Mr. Ashok Kumar Singh, learned Advocate.

2. The petitioner happens to be husband of the opposite party no. 2 apprehends his arrest in connection with Haspura P.S. Case No. 109 of 2023, registered for the offences punishable under Sections 498(A), 494/34, 341, 323 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

3. Allegedly the marriage of the petitioner was solemnized with the opposite party no. 2 on 08.12.2022; soon thereafter, she was subjected to demand of dowry and on



account of non-fulfillment of the same, she was tortured in various ways. It is also alleged that all the accused persons took signature of the father of the opposite party no. 2 and other relatives on a blank paper and ousted her from the matrimonial house. Just after a week of such incidence, the petitioner also performed second marriage.

4. Learned Advocate appearing on behalf of the petitioner contended that the narrations made in the FIR clearly shows that the opposite party no. 2 resided in her matrimonial home only for four days with the petitioner and as such any demand of dowry and torture does not inspire confidence. In fact, after the marriage, the petitioner and informant did not find themselves compatible with each other, whereupon both the parties sat together and they have come to an amicable settlement and entered into an agreement on 12.12.2022, the copy of which has also been placed on record as Annexure 2 to the bail application. It is further contended that this FIR has been instituted after a delay of four months from the said agreement, with a view to put pressure and grab some more financial favour. It is further contended that the second marriage has been solemnized after taking consent of all the parties, after entering upon the agreement afore-noted.



5. On the other hand, learned Advocate for the State and the informant opposed the pre-arrest bail application and submits that be that as it may the agreement was a forceful agreement or the signature of the parents of opposite party no. 2 has been taken by inducement and they have not put their signature on their free sweet will. All the more, admission of the petitioner of second marriage, clearly constitute an offence under Section 494 of the Indian Penal Code.

6. At this juncture, learned Advocate for the petitioner submits that in order to give financial assistance, the petitioner is ready to give Rs. 2,500/-, till any order is passed by a competent Court of law.

7. Regard being had to the submissions advanced on behalf of the parties and considering the agreement entered into between the parties and the petitioner's undertaking to pay Rs. 2,500/- per month to the opposite party no. 2, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand), with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Daudnagar, District



Aurangabad in connection with Haspura P.S. Case No. of 109 of 2023, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further conditions:-

- (i) that one of the bailors shall be the own/close family members of the petitioner;
- (ii) that the petitioner shall pay Rs. 2,500/- on first week of every month in the account of the opposite party no. 2, which bank account number shall be furnished by the opposite party no. 2 in the Court below, till any order shall be passed by a competent Court.

(Harish Kumar, J)

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