

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68593 of 2024

Arising Out of PS. Case No.-791 Year-2023 Thana- SAHARSA COMPLAINT CASE
District- Saharsa

Subhash Paswan @ Subhash Kumar Paswan Son of Birendra Paswan @
Sadanand Paswan Resident of Village - Azad Tola Ward No.7, Madhepura,
P.S. and District - Madhepura

... .. Petitioner

Versus

1. The State of Bihar
2. Annu Kumari Wife of Subhash Paswan Resident of Village - Azad Tola
Ward No.7, Madhepura, P.S. and District - Madhepura. Presently residing at
Daughter of Darshan Paswan, Tiwari Tola, Ward No.20, P.S. and District -
Saharsa

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Prasoon Kumar, Advocate
For the State	:	Mr. Sucheta Yadav, APP
For the O.P. No.2	:	Mr. Amarnath Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 18-01-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail, apprehending his arrest,
in connection with Complaint Case No.791C of 2023 registered
for the offences punishable under Sections 498A and 323 of the
Indian Penal Code.

3. As per allegation, the Petitioner/Husband is
characterless and he has illicit relationship with another lady.
Moreover, when the Complainant/Wife protested against such
relationship of the husband/petitioner, she was subjected to
beating. It is also alleged that there was additional demand of



dowry and on account of non-fulfillment of the same, she was ousted from the matrimonial home.

4. Learned counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. He further submits that the Complainant/Wife has suspicion regarding the character of the husband and hence, the marriage is not working and she has left the matrimonial home on her own will. The allegation of demand of additional dowry is false and superficial. He further submits that maximum punishment prescribed for the alleged offence is three years.

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, learned APP for the State vehemently opposes the prayer of the Petitioner for bail.

8. Learned counsel for the Complainant/Wife submits that the Complainant is not being maintained by the Petitioner/Husband and he is characterless and consumes some intoxicants.

9. From the aforesaid facts and circumstances and



rival submissions of the parties, it appears that there is matrimonial discord on account of suspicion of the Complainant/Wife regarding the character of the Petitioner and there is also dispute regarding maintenance. Hence, the better course for the parties is to move Family Court to resolve their dispute.

10. 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 learned Judicial Magistrate, First Class, Saharsa, in connection with Complaint Case No.791C of 2023, subject to the conditions as laid down under Section 438 (2) Cr.PC 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, learned 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, learned court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J.)

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