

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.84276 of 2024**

Arising Out of PS. Case No.-667 Year-2009 Thana- MUZFFARPUR COMPLAINT CASE  
District- Muzaffarpur

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Kavindra Paswan S/o- Late Bhikari Paswan Village- Ram Chandrapur Ps-  
Dewaria Dist-Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kavita Devi D/O Bachchan Paswan W/O Kavindra Paswan Village- Ram  
Chandrapur Ps-Dewaria Dist- Muzaffarpur, P/A- Saraiya Bazar Ps-Dewaria  
Dist- Muzaffarpur

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Amit Kumar Jha, Adv.  
For the Opposite Party/s : Ms.Asha Kumari, APP

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH  
MISHRA**

ORAL ORDER

3      21-01-2025                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. The petitioner seeks bail in connection with  
Complaint Case No. 667 of 2009 instituted for the offences  
under Section 498A, 379 of the Indian Penal Code.

3. As per prosecution case, the accusation against the  
accused persons including the petitioner of committing torture  
and cruelty for fulfilling the demand of rupees by selling the  
land of her Maika and due to non-fulfillment of the same, she  
was tortured physically and mentally and, ultimately, she was  
ousted from her matrimonial house by the them.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. The petitioner is the husband of the O.P. No.2 The petitioner has never demanded any dowry or have committed any cruelty upon the Complainant. There is no direct or specific allegation of any overt act against the petitioner rather the same is general and omnibus in nature. The petitioner has no concern with the alleged occurrence. The petitioner has no criminal antecedent and is languishing in judicial custody since 29.03.2024 without any rhymes or reason.

5. The present case is a misuse of privilege of bail earlier granted to the petitioner. Learned counsel for the petitioner has filed second supplementary affidavit stating therein that the complaint case was filed on 11.05.2009 and the learned trial court found *prima facie* case under Sections 498A and 379 of the I.P.C. against the petitioner and others and pleased to issue process. He further submits that the petitioner was granted privilege of bail on 07.01.2011 and the bail bond was cancelled on 04.08.201. Again he was granted bail on 07.09.2011 and, thereafter, the bail bond was called on 28.02.2012. Thereafter, the petitioner was granted bail on



14.05.2012 and again the bail bond was canceled on 02.06.2017 and, he was again granted bail on 23.09.2017. Learned counsel for the petitioner further submits that on 24.01.2023, the Complainant as well as the petitioner made Pairvi and the next date was fixed as 12.04.2023 but, on the aforesaid date, the attendance of the witness Siya Devi was given but, no Pairvi was made on behalf of the petitioner and the bail bond of the petitioner was cancelled. The petitioner is in custody since 29.03.2024.

6. Learned counsel for the petitioner submits that the petitioner undertakes to abide by any conditions imposed by this Court, if released on bail.

7. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

8. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner as also the undertaking given by the petitioner, let the petitioner, abovenamed, be released on bailon furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Complaint Case No. 667 of 2009, subject to



the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate 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 in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(iii) If the petitioner tampers with the evidence or the witnesses of the case by intimidating/pressurizing the witnesses, during the investigation or trial, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(iv) If the petitioner is found indulged in any criminal activity or commission of any crime after being released on bail, the prosecution will be at liberty to file an appropriate application before the court below for cancellation of his bail.

**(Rudra Prakash Mishra, J)**

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