

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 44760 of 2015

Arising Out of PS.Case No. -37 Year- 2015 Thana -SAKATPUR District- DARBHANGA

=====

Ranjeet Kumar Singh @ Ranjeet Singh, Son of Kirti Singh, Resident of Village -
Kaithwar, Tole - Maswasi, Police Station - Sakatpur, District - Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Dewata Devi, Wife of Ranjeet Kumar Singh @ Ranjeet Singh and Daughter of
Naresh Singh, Presently residing at Village- Sakatpur, Police Station –
Sakatpur, District - Darbhanga.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 18-05-2016

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner apprehends arrest in Sakatpur
P.S. Case No. 37 of 2015 dated 02.06.2015 instituted under
Sections 341/323/324/328/307/379/504/34 of the Indian
Penal Code and 3/4 of the Dowry Prohibition Act.

The allegation against the petitioner, who is
the husband of the informant (opposite party no. 2), is of
torture and assault for dowry and also of trying to administer
poison to her. On 13.10.2015, in view of the plea taken on
behalf of the petitioner that, without going into the merits of
the case, he is ready to keep the informant as his wife with full
dignity, honour and security, the Court had granted interim
protection to him. Thereafter, on 09.11.2015, the Court had

recorded the finding:-

“Upon interaction with the parties, the Court is prima facie satisfied that the allegations made by opposite party no. 2 against the petitioner i.e., her husband appears to be correct.

However, as the Court had noticed on the last occasion also that there is a minor girl born out of the wedlock, there should be an attempt for conciliation taking into account the interest of the innocent infant girl. The opposite party no. 2 has also agreed to giving the relationship one more try.

Learned counsel for the petitioner as well as the petitioner submit that he is unconditionally ready to take the opposite party no. 2 and the child with him and keep them with full dignity, honour and security.

In view of the categorical stand taken by the opposite party no. 2 and his counsel before the Court today, the matter is adjourned to be listed under the heading ‘For Orders’ on 21st December, 2015. The interim protection given to the petitioner shall continue till then.”

It is thus obvious that the Court had recorded, upon interaction, that the allegations made by the opposite party no. 2 against the petitioner appears to be correct, but in view of the unconditional stand taken by the petitioner himself before the Court that he is ready to keep the opposite party no. 2 and the child with him, the interim protection was extended.

On 21.12.2015, when the petitioner and the opposite party no. 2 were present, the parties had agreed that one more opportunity may be given to them for reconciling the matter among themselves moreso, in view of the fact that there is a minor girl born out of the wedlock.

Accordingly, the Court had directed that the petitioner and the opposite party no. 2 shall go to the matrimonial home with the minor girl from the Court itself. It is an admitted position that the same has not been done. There are allegations and counter allegations where the blame is on each other for not living together.

The Court is not inclined to go into the allegations and counter allegations. Thus, the Court is considering the matter on merits.

Learned counsel for the petitioner submits that the present case is a counter blast to the case filed by the grandfather of the petitioner, who is informant of Sakatpur P.S. Case No. 34 of 2015 dated 20.05.2015 in which the relatives of the opposite party no. 2 are accused. It is submitted that the same has been instituted under more or less similar Sections of the Indian Penal Code. It is further submitted that the father of the petitioner has also gone to jail in the present case.

Learned counsel for the opposite party no. 2 submits that though the allegations are true but she was ready to go and live with the petitioner and start a new chapter but the petitioner never tried to take her and in fact when she had made enquiry, she was informed that the petitioner had already gone to Delhi and on talking to him, he had clearly told her that he will not take her with him.

Having considered the facts and circumstances





of the case, the Court can only reiterate that it does not find the allegations made by the opposite party no. 2 against the petitioner to be untrue. The Court is also persuaded by the conduct of the petitioner, when, on the one hand, for getting interim protection, he had taken a categorical stand that he will keep the opposite party no. 2 and the minor girl with full dignity, honour and security, but on the other hand he is not fulfilling the commitment to the Court or even the obligation to his own family i.e., the wife and the daughter. The plea on behalf of the petitioner that he tried to persuade opposite party no. 2 but she is not cooperating, cannot be accepted for the simple reason that there is no petition filed in the present proceeding for any direction to the opposite party no. 2 to ensure that she accompanies the petitioner to the matrimonial home. This clearly indicates that there is no sincerity in the stand of the petitioner that he is ready to keep the opposite party no. 2 with him.

In view of the aforesaid, the Court does not find any cogent reason to disbelieve the allegations made against the petitioner and, thus, in view of the nature of the allegations and the role of the petitioner, who is the husband, the Court is not inclined to grant indulgence to the petitioner and grant him anticipatory bail.

Accordingly, the application stands dismissed.

The interim protection given by order dated

13.10.2015 stands recalled.

However, in case the petitioner surrenders before the Court below and seeks regular bail within 4 weeks from today, the same shall be considered on its own merits without being prejudiced by the present order.

(Ahsanuddin Amanullah, J.)

P. Kumar

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	