

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22400 of 2016

Arising Out of PS.Case No. -18 Year- 2016 Thana -SAHAJITPUR District- SARAN

Binay Kumar Singh @ Vinay Kumar Singh S/o Dharmnath Singh, resident
of Village- Maricha, P.S.- Sahajitpur, District- Saran at Chapra.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Dewendra Narayan Singh, Advocate.
For the Opposite Party : Mr. Ram Bachan Singh (APP)

CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH
ORAL ORDER

2 24-05-2016 The petitioner is the husband of the informant and apprehends arrest in relation to Sahajitpur P.S. Case No. 18 of 2016 registered under Sections 498(A), 494, 313, 377, 34 of the Indian Penal Code and Section 34 of the Dowry Prohibition Act.

Learned counsel for the petitioner submits that from bare perusal of the First Information Report, it would show that the marriage has taken place in the year 2014 and the allegation is from the first night, after the marriage itself but the F.I.R. is being lodged on 24.02.2016, after two years. In the F.I.R., it is further mentioned about abortion as also with regard to alleged second marriage of the petitioner. Apart from verbal assertion, no document has at all been furnished to substantiate the claim of abortion or second marriage. Deliberately the F.I.R. is so written

on the basis of facts unverified. Even before the lower Court, the petitioner had clearly made statement that he was ready and willing to keep his wife with dignity. He has also instituted matrimonial case for restitution of conjugal rights but being of a difficult nature, the informant is not ready to live.

In my view, these are allegations and counter allegations in a matrimonial discord.

Be that as it may, in the event of his arrest/surrender before the court below within four weeks, let the above named petitioner be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand only) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Saran at Chapra in connection with Sahajitpur P.S. Case No. 18 of 2016, subject to conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Navaniti Prasad Singh, J.)

Amit/Rajiv

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