

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 58129 of 2015

Arising Out of PS.Case No. -548 Year- 2015 Thana -BHAGALPUR KOTWALI District-
BHAGALPUR

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Saket Kumar Singh @ Saket Singh, son of Sri Devendra Prasad Singh,
resident of Village- Shijhatt, Post Office- Moketta, Police Station- Dureya,
District- Banka, at present resident of House of Surendra Prasad Gupta,
Jogsar, Police Station- Adampur, District- Bhagalpur.

.... Petitioner

Versus

1. The State of Bihar.

2. Smt. Rashmi Singh, wife of Shri Saket Kumar and daughter of Shri Vijay
Singh, at present resident of West Lohanipur, Kadamkuan, Police Station-
Kadamkuan, Police Station- Kadamkuan, District- Patna- 800003.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh

For the Opposite Party/s : Mr. Madan Kumar(App)
Mr. Rana Vikram Singh

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

6. 30-03-2016 Heard Sri Anil Kumar Singh, learned counsel, who
has appeared on behalf of petitioner after obtaining No Objection
from the earlier counsel Sri Achintya Anand, Sri Madan Prasad,
learned Addl. Public Prosecutor as well as Sri Rana Vikram Singh,
learned counsel, who has voluntarily appeared on behalf of
informant.

The petitioner, apprehending his arrest in Kotwali
(Adampur) P.S. Case No. 548 of 2015 registered for the offence
under Sections 498(A), 323 & 504 of the Indian Penal Code and
Sections 3 & 4 of the Dowry Prohibition Act, 1961, has prayed for
grant of anticipatory bail.



It was submitted by learned counsel for the petitioner that in view of earlier order dated 01-07-2015 passed in Cr. Misc. No. 19093 of 2015, the petitioner was granted anticipatory bail. The anticipatory bail was granted on an undertaking given on behalf of the petitioner that if in future, the wife of the petitioner makes any complaint before this Court by filing affidavit, this Court may recall its earlier order. In compliance with the order dated 01-07-2015 passed in Cr. Misc. No. 19093 of 2015, the petitioner had appeared before the concerned Magistrate and on the same date, the complainant, who is informant in the present case, had also appeared and the petitioner thereafter with the permission of the court below had proceeded alongwith his wife to Bhagalpur. However, after reaching Bhagalpur, the informant was not inclined to stay with the petitioner and falsely, the present case was filed. Learned counsel for the petitioner submits that even prior to filing of the earlier case, the petitioner had filed a case under Section 9 of the Hindu Marriage Act for restitution of conjugal rights. It has been reiterated that the informant is not at all interested to live with the petitioner and as such, false cases are being filed. By way of filing supplementary affidavit, the petitioner has also stated the fact that he had also booked a ticket for his journey to New Delhi alongwith his wife (informant), but

in the meanwhile, the present false F.I.R. was lodged.

Learned counsel for the informant has opposed the prayer of the petitioner. He submits that habitually, the petitioner his torturing the informant and this was the reason that earlier complaint case was filed, in which, conditional anticipatory bail was granted to the petitioner. Since the earlier condition was breached and even thereafter, the informant was tortured by her in-laws including the petitioner, the present F.I.R. was lodged. He submits that on the ground of violation of earlier order, the informant had filed an interlocutory application, vide I.A. No. 1638 of 2015 in Cr. Misc. No. 19093 of 2015 for cancelling the earlier anticipatory bail order, which has already been allowed by this Court.

Besides hearing learned counsel for the parties, I have also examined the material on record. On going through the F.I.R. as well as the fact that earlier also the petitioner had breached the conditions imposed by this Court, I do not find any ground to extend the privilege of anticipatory bail.

The petition stands dismissed.

(Rakesh Kumar, J.)

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