

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61854 of 2017

Arising Out of PS.Case No. -200 Year- 2016 Thana -AKBARPUR District- NAWADA

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Ashok Singh @ Dillo Singh, S/o Late Nawal Prasad Singh, R/o Village-
Abhaypur, P.S.- Piribazar, District- Lakhisarai.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Murari Mishra

For the Opposite Party/s : Mr. Sri Akbar Ali

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**
ORAL ORDER

02/ 21-12-2017

Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner is apprehending his arrest in
a case registered for the offences punishable under Sections 365
and 504 of the Indian Penal Code.

The prosecution case got initiated with the
written report of Mukesh Singh submitted to the Officer-in-
Charge, Akbarpur Police Station, to the effect that his wife Puja
Devi used to talk with the informant's brother-in-law, the
petitioner Ashok Singh and on 02.11.2016 at 4.00 A.M. the wife
of the informant eloped with the petitioner leaving two minor
children at home. After hectic search she could not be traced out.



Thereafter, the informant talked with the petitioner and went to his house but the informant was abused by the petitioner. It is also alleged that earlier also the victim eloped with this petitioner.

It is submitted by learned counsel for the petitioner that the petitioner is the brother-in-law of the informant and his wife, the victim of her own came to his house. Though, in 164 Cr.P.C. statement she has alleged that on 02.11.2016 she was called by this petitioner to Nawada and thereafter she was misled by the petitioner to his house, where she remained for 6 to 7 months and thereafter she escaped from the house of the petitioner. It is further submitted that for the occurrence of 02.11.2016 the FIR was registered on 17.11.2016, where it appears that from 02.11.2016 the informant was aware that his wife is at the petitioner's house. From 164 Cr.P.C. statement it is not apparent that the victim was confined by the petitioner. She has only alleged that she was not allowed to come to her husband's house. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent. Moreover, 164 Cr.P.C. statement suggests that the victim of her own went in the company of this petitioner.

Learned APP, however, submits that the



thrust of accusation is against the petitioner.

Considering the relationship between the petitioner and the victim, delayed lodging of the case and specific accusation in 164 Cr.P.C. statement that the victim has not been physically assaulted or ravished, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nawada in connection with Akbarpur P.S. Case No. 200 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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