

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.8648 of 2018

Arising Out of PS.Case No. -79 Year- 2017 Thana -MAHILA P.S. District- SAHARSA

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Ajay Kumar Singh, S/o Bhushan Prasad Singh, Resident of Village- Naya Bazar By Pass Road, Ward No.2, P.S.- Saharsa, District- Saharsa.

.... Petitioner

Versus

1. The State of Bihar.
2. Ruchi Singh, W/o Ajay Kumar Singh, Resident of Village- Naya Bazar, Ward No.2, P.S.- Saharsa, District- Saharsa.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Pawan Kumar, Advocate.
For the State : Smt. Meena Singh, A.P.P.
For the O.P. No. 2 : M/S. Ashok Kumar Mishra and Rishit Deo Kr. Singh, Advocates.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 13-03-2018 Heard learned counsel for the petitioner, learned A.P.P. for the State and learned counsel for the opposite party no. 2.

The petitioner seeks regular bail in a case for the offence registered under Sections 498(A), 323, 379 and 506/34 of the IPC.

The prosecution story, in brief, is that the marriage of the opposite party no. 2 was solemnized with this petitioner in the year 1999 and she has been blessed with two sons and in the year 2016, accused persons got her forcibly operated and thereafter accused persons stopped her maintaining. It is also alleged that on



07.08.2017, accused persons forcibly opened her *Almirah* and taken away her belongings and they also tried to kill due to non-fulfilment of demand of four wheeler vehicle.

By order dated 13.02.2018, the petitioner was granted provisional bail till further orders on submission of learned counsels for the parties that they want to file joint affidavit for one time settlement. Today, it has been submitted by learned counsels for the parties that one time settlement could not be arrived between the parties.

It has been submitted by learned counsel for the petitioner that the petitioner has falsely been implicated in the present case due to petty family dispute. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The case is triable by the Magistrate. Earlier the opposite party no. 2 had filed a case with similar offence. The petitioner has further relied upon the judgment of this Court in the case of Md. Naimul Haque Ansari @ Naimul Haque Ansari & Ors. Vs. The State of Bihar, reported in 2006(3) PLJR 182.

On behalf of the learned counsels for the State and opposite party no. 2, it has been submitted that the petitioner is named in the F.I.R/ complaint case.



Considering the aforesaid facts and circumstances, the provisional bail granted to the petitioner vide order dated 13.02.2018 in connection with Saharsa Mahila P.S. Case No. 79 of 2017, pending in the court of learned J. M. Ist Class, Saharsa, is hereby confirmed.

The opposite party no. 2, if so advised, may approach before the competent authority/court for redressal of her grievances, if any.

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(Sudhir Singh, J)

