

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19576 of 2019**

Arising Out of PS. Case No.-86 Year-2018 Thana- MAHILA P.S. District-
Rohtas

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Akhilesh Kumar Singh @ Akhilesh Singh, male, aged about 26 years, Son
of Dwarika Singh, Resident of Village-Semari Dih, P.S.-Dinara, District-
Rohtas.

... .. Petitioner

Versus

1. The State Of Bihar
2. Nitu Devi Wife of Akhilesh Kumar Singh, Daughter of Jai Prakash Singh,
Presently Resides at Ward No.1, Village and P.S.-Nokha, District-Rohtas.

... .. Opposite Parties

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Appearance :

For the Petitioner	:	Mr. Dineshwar Pandey, Advocate.
For the Informant	:	Mr. Jai Prakash Singh
		Mrs. Arti Kumar, Advocate.
For the State	:	Mr. Akhileshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 03-04-2019 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences
alleged under Sections 498A, 494, 379, 341, 323, 504/34 of the
Indian Penal Code registered in connection with Mahila P.S.
Rohtas Case No. 86 of 2018.

3. It is submitted that the petitioner has been falsely
implicated and even on the bare perusal of the F.I.R., the
ingredients of the offence under Section 498A of the Indian
Penal Code are not made out in absence of accusation of any
demand by the petitioner who is the husband of the informant.



As a matter of fact the informant was a patient of mental illness prior to marriage and was undergoing treatment for the same. She had approached the Womens Helpline in Case No. 7 of 2016 wherein it was noticed by order dated 24.09.2016 that the informant admitted that no demand for dowry was made and she did not wish to live with her husband. The petitioner had earlier filed Divorce Case vide RSM 79 of 2016 pending before the Principal Judge, Family Court, Sasaram. The informant had also filed another case in Dinara P.S. Case No. 22 of 2016 under Section 498(A) IPC and allied sections in which the petitioner has been granted anticipatory bail and except such case the petitioner claims clean antecedents.

4. Learned APP assisted by learned counsel for the informant appear and have been heard.

5. Be that as it may, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Sasaram, Rohtas, in connection with Mahila P.S. Rohtas Case No. 86 of 2018, subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following further conditions -

(i) That one of the bailors shall be a close relative of



the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) That the petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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