

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85369 of 2019

Arising Out of PS. Case No.-494 Year-2018 Thana- BAHERA District- Darbhanga

VIKRANT KUMAR @ BIKRANT KUMAR SINGH @ GUDDU SINGH
Son of Bhubneshwar Prasad Singh, Resident of Village-Sajanpura, P.S-
Bahera, District-Darbhangha.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR

2. Ushal Kumari W/o Vikrant Kumar @ Bikrant Kumar Singh @ Guddu
Singh, Resident of Village-Sajanpura, P.S-Bahera, District-Darbhangha.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sameer Ranjan, Adv.
For the State	:	Md. Fahimuddin, APP
For the Informant	:	Mr. Devendra Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

5 14-09-2020 Heard learned counsel for the petitioner, learned
A.P.P. and learned counsel for the informant through Video
Conferencing.

The petitioner apprehends his arrest in Bahera P.S.
Case No.494 of 2018 registered under Sections 498(A), 494,
323, 504 and 34 of the Indian Penal Code.

The informant (wife of the petitioner) alleged that on
14.11.2018 when she had gone to her in-laws' house, her
husband, mother-in-law, father-in-law asked her to give money.
The informant replied that she spent all money on education of
her two daughters. On such, all accused persons brutally
assaulted her and locked her inside the room. Somehow she



informed the police, who rescued her and thereafter she filed the case.

Learned counsel for the petitioner submits that all allegations are false and concocted. The informant was married with the petitioner in the year 2003 but the informant deserted the petitioner. The petitioner filed divorce case in the year 2013 but the same was dismissed for non-prosecution. The petitioner again filed Matrimonial Case No.55 of 2015 in which the petitioner has already examined all witnesses. The wife of the petitioner also examined some witnesses but the case is still pending for the evidence of the wife of the petitioner. When matrimonial case is at the fag end of hearing, the wife of the petitioner filed this case with ulterior motives. Therefore, the petitioner deserves anticipatory bail.

Learned A.P.P. and learned counsel for the informant vehemently opposed the prayer for anticipatory bail of the petitioner.

Perused the record. It appears that the informant, of course, alleged that on 14.11.2018 when she had gone to her in-laws' house, she was brutally assaulted by her husband and other in-laws on refusal to give money by her, but it appears that prior to lodging this case, the husband of the informant filed



Matrimonial Case No.55 of 2015 in which the petitioner has already examined all witnesses and the case is posted for producing evidence of the wife of the petitioner, who also examined some witnesses.

Having considered the facts that the petitioner and his wife are on litigating term since 2013 and Matrimonial Case No.55 of 2015 is still pending but during the pendency of matrimonial case, the informant filed this case alleging therein that when the informant had gone to her in-laws' house, she was assaulted by her husband and other in-laws, the petitioner, above named, in the event of his arrest or surrender before the learned court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Benipur, Darbhanga in connection with Bahera P.S. Case No.494 of 2018, subject to conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

Harish/-

U		T	
---	--	---	--

