

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32043 of 2020

Arising Out of PS. Case No.-53 Year-2019 Thana- MAHILA P.S. District- Patna

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Ravindra Kumar Singh, Son of Shaligram Singh, gender-male, aged about 37 years, Resident of Village - Umedpur, PS - Brahmpur, District - Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mona Singh, wife of Ravindra Singh, Daughter of Anand Kumar Singh, at present residing near Narayani Dharmkanta, Baruachak, PO Jhauganj, PS Mehadiganj, Patna City, Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Ms. Anju Mishra, Advocate
For the State	:	Mr. Manoj Kumar No. 1, APP
For the OP No. 2	:	Mr. Girish Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 21-08-2021

The matter has been heard *via* video conferencing.

2. Heard Ms. Anju Mishra, learned counsel for the petitioner; Mr. Manoj Kumar No. 1, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State and Mr. Girish Singh, learned counsel for the opposite party no. 2.

3. The petitioner apprehends arrest in connection with Patna City Mahila PS Case No. 53 of 2019 dated 11.06.2019 corresponding to GR Case No. 4734 of 2019, instituted under Sections 341/323/498A/504/506 of the Indian Penal Code.



4. The petitioner is the husband of the informant-opposite party no. 2 and the allegation is that there was abuse and the wife and three children were turned out of the matrimonial home.

5. On 08.03.2021, learned counsel for the petitioner had taken a stand that he was ready to keep the opposite party no. 2 and his three daughters with him. The Court, thus, had issued notice to the opposite party no. 2 and had granted interim protection to the petitioner.

6. On 29.06.2021, the opposite party no. 2 took a stand that she was also ready to go and live in the matrimonial home and with consent, 18th July, 2021 was the date fixed when the petitioner was to come to the house of the opposite party no. 2 at Patna and take her to the matrimonial home. The matter was adjourned for 2nd August, 2021 and affidavit was required to be filed, both by the petitioner and the opposite party no. 2 with regard to the exercise having been completed and also status of the relationship. The same not having been done, the Court had imposed cost of Rs. 5,000/- on both the parties and the next date was fixed for today. However, by way of indulgence, it was observed that if the affidavit was filed by 5th August, 2021, the concerned parties would not be required to deposit the cost. Today, affidavit has been



filed by the father of the opposite party no. 2 in which it has been stated that his daughter was taken by the petitioner to the matrimonial home. It is further stated that he could not talk to his daughter and further that his attitude was not proper and finally on 11.08.2021, the petitioner had sent back his daughter to her parents' house. However, cost of Rs. 5,000/- has not been deposited.

7. Learned counsel for the petitioner submitted that she has been regularly trying to get in touch with the petitioner but despite the ring going her call has not been picked up by the petitioner. Learned counsel fairly submitted that the petitioner is an advocate and it is expected that he would act responsibly, but his conduct of not responding to the calls from the counsel as also non-compliance of the order of the Court, is not proper.

8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court finds that the allegations made in the FIR of torture and abuse by the petitioner cannot be brushed aside as false and concocted more so, in light of his conduct when he has sent back the opposite party no. 2 back to the matrimonial home and has further not bothered to respond to the calls made by his counsel to him and also of not having complied with the specific directions of the Court. Thus, on



an overall circumspection of the matter, the Court is not inclined to grant pre-arrest bail to the petitioner.

9. Accordingly, the petition stands dismissed.

10. As far as not depositing of cost by the opposite party no. 2 is concerned, in the special facts and circumstances of the case, the Court is inclined to waive the same. Thus, she would not be required to deposit the cost.

11. However, having regard to the conduct of the petitioner as noticed above, he is directed to deposit cost of Rs. 20,000/-, in the same terms as was directed in order dated 02.08.2021. The same be done latest by 18th September, 2021 and receipt showing the same shall be filed in the Registry by the petitioner latest by 22nd September, 2021.

12. Though the petitioner himself is an advocate and has filed the case, it can be safely presumed that he is aware of the proceedings as all the orders are on the internet, but still learned counsel for the petitioner shall also communicate the order to him, and if he does not pick up the phone she may message/text him with regard to the order so that the same is strictly complied with.

13. The main petition stands disposed of. However, if cost of Rs. 20,000/- is not deposited and receipt filed by the



petitioner within the time fixed by the Court, Registry shall place
the matter before the bench for necessary orders.

(Ahsanuddin Amanullah, J)

Anjani/-

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