

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.5524 of 2021**

Arising Out of PS. Case No.-13 Year-2020 Thana- MAHILA PS District- Aurangabad

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VIVEK KUMAR SINGH Son of Umashankar Singh Resident of Village-
Maidhara, P.S.-Bikramganj, District-Rohtas

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner/s	:	Mr. Krishna Pratap Singh, Sr. Advocate
	:	Mr. Bhaskar Shankar, Advocate
For the Informant	:	Mr. Bhanu Pratap Singh, Advocate
For the Opposite Party/s	:	Mr. Dashrath Mehta, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

6 07-09-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard Mr. Krishna Prasad Singh, learned senior counsel assisted by Mr. Bhaskar Shankar, learned counsel for the petitioner, Mr. Bhanu Pratap Singh, learned counsel representing the informant-O.P. No. 2 and Mr. Dashrath Mehta, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Mahila P.S. Case No. 13 of 2020 registered for the offences punishable under Sections 376, 498(A), 313, 504, 506, 509, 379 and 34 of the Indian Penal Code.

As per the prosecution story, both the parties were

married on 19.05.2020. It is alleged that the father of the informant had given Rs. 25,00,000/- in cash and other articles but after solemnisation of the marriage when the informant came to the house of the petitioner, only after two days the named accused persons started demanding a dowry of Rs. 50,00,000/-. It is alleged that the devar of the informant committed rape on her twice and bahnoi of the petitioner also made physical relationship with her forcefully. It is then alleged that the accused persons forcibly administered medicine to the informant due to which she aborted. The allegations are also that of causing assault.

Learned senior counsel submits that in this case both the parties are well educated and they are self-dependent in as much as the petitioner is an employee in a bank and the informant is herself employed in the Secretariat at Patna. They have got incompatibility issues and immediately after her marriage with the petitioner she was not adjusting herself and was complaining that the petitioner was not as good as the O.P. No. 2 in his personality.

Learned senior counsel submits that the kind of allegations made by the informant against each and all of the family member of the petitioner may be found from the F.I.R. in which she has made bald allegations against her devar and bahnoi of this petitioner with sole intention to harass all of them. These allegations were such that it could not have been withheld by the

informant for such a long time.

Learned senior counsel further submits that after getting provisional bail from this Court, the petitioner went to the house of the informant and brought her to the matrimonial home on 09.08.2021 which would also be evident from the report of the Superintendent of Police, Aurangabad as contained in his Letter No. 61 dated 16.08.2021 (Flag/Y).

Learned senior counsel submits that after the informant went to the house of the petitioner, only after few days she started making allegations and lodged an F.I.R. in which the police has granted bail to the petitioner.

Mr. Bhanu Pratap Singh, learned counsel for the informant has opposed the prayer for bail of the petitioner. It is his submission that after the petitioner took the informant to his house, she was assaulted and for that reason another F.I.R. has been lodged by her.

Mr. Dashrath Mehta, learned A.P.P. for the State has though opposed the prayer for bail of the petitioner but at the same time submits that it seems to be a case of incompatibility between the petitioner and the informant.

Having regard to the facts and circumstances of the case, upon noticing the kind of situations existing between the parties, this being a matrimonial case in which both the parties are

educated and are working independently, the investigation against the petitioner is complete, he has remained in custody for six months approximately prior to his release on provisional bail, this Court confirms the bail granted to the petitioner. Let the petitioner remain on same bail bond.

It is made clear that earlier the petitioner was enlarged on provisional bail for three months but as it appears subsequently again the parties were given indulgence to resolve their disputes which would be evident from the order dated 28.07.2021. It appears that inadvertently both the parties did not point out to this Court on that day that the provisional bail is required to be extended. However, considering the facts and circumstances of the case, the same shall not prejudice the case of the petitioner.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading ‘Judicial Orders Passed During The Pandemic Period’.