

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21523 of 2020

Arising Out of PS. Case No.-74 Year-2017 Thana- RASULPUR District- Saran

CHANDAN SINGH Son of Nagendra Singh Resident of Village - Asahani,
P.S.- Rasulpur, Distt.- Saran at Chapra.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Dewendra Narayan Singh, Advocate
For the Opposite Party/s :	Mr. Satyendra Narayan Singh, APP
	Mr. Ram Binod Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

5 05-01-2022 The matter has been taken up for online hearing through video conference because of COVID-19 pandemic restrictions.

This application for anticipatory bail arises out of Rasulpur P.S. Case No. 74 of 2014, disclosing the offence punishable under Sections 498-A, 307, 34 of the Indian Penal Code.

Petitioner is the husband of the informant. It has emerged on the basis of the statements made in this application and the submissions advanced at the Bar that the petitioner and the informant had earlier resolved their disputes after lodging of the present Rasulpur P.S. Case No. 74 of 2017 and the informant had started residing with the petitioner. Disputes, however,



subsequently surfaced leading to registration of another case filed by the informant being Mahila P.S. Case No. 19 of 2018. The petitioner is on bail in connection with said Mahila P.S. Case No. 19 of 2018.

Learned counsel appearing on behalf of the petitioner, in addition to addressing this Court on weaknesses of the prosecution's case, has highlighted the fact that since the petitioner has been granted bail in the subsequent case, there can be no valid reason for denying him privilege of anticipatory bail in earlier case, which was already compromised. The petitioner still apprehends his arrest in Rasulpur P.S. Case No. 74 of 2017.

Learned counsel appearing on behalf of the informant opposing the prayer for anticipatory bail has submitted that the petitioner had compromised the dispute with the informant earlier and had taken her back to the matrimonial home. She was, however, again subjected to torture and humiliation, leading to lodging of second FIR being Mahila P.S. Case No. 19 of 2018.

On perusal of the materials on record and the submissions advanced on behalf of the parties, I am of the view that it is basically a case of matrimonial dispute between the petitioner and the informant. In my opinion, a case for grant of



anticipatory bail is made out in the facts and circumstances of the case. This application is accordingly allowed.

Let the petitioner, above-named, in the event of his arrest/surrender within six weeks from today in the court below, be released on bail on furnishing bail bonds of Rs. 10,000/-(ten thousand), with two sureties of the like amount, each to the satisfaction of learned Additional Chief Judicial Magistrate-X, Saran at Chapra, in Rasulpur P.S. Case No. 74 of 2017, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the Police/ Court, as the case may be, as and when required and in the event of failure on his part to appear before the court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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