

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16625 of 2023

Arising Out of PS. Case No.-456 Year-2022 Thana- MANER District- Patna

=====

Ajay Kumar Singh, Male, aged about 52 years, S/O Late Jawala Prasad Singh, R/O Mohalla Tejpur, P.S.- Maner, Distt.- Patna.

... .. Petitioner

Versus

1. The State of Bihar.
2. Muni Devi, Wife of Sri Ajay Kumar Singh, R/O Tajpur, P.O. Kamla Gopalpur, P.S. Maner, District-Patna.

... .. Opposite Parties

=====

Appearance :

For the Petitioner	:	Mr. Binay Kumar, Advocate
For the O.P. No. 2	:	Mr. Sunit Kumar Srivastava, Advocate
For the State	:	Mr. Parmanand Prasad, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

5 31-10-2023 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

2. Heard learned counsel for the petitioner, learned counsel for the opposite party no. 2 and learned Additional Public Prosecutor for the State.

3. The petitioner is apprehending his arrest in connection with Maner P.S. Case No. 456 of 2022 dated 01.07.2022 for the offence punishable under Sections 341, 323, 498A, 504 and 506 of the I.P.C.

4. As per the prosecution case, the petitioner is the husband of the opposite party no. 2 and he has illicit relationship



with another lady, namely, Pinki Devi and on protest made by her, the petitioner always used to abuse and assault her. On 27.06.2022 at about 3.00 P.M., in the evening, the petitioner and his associates disconnected the electric power of the house and on query, he tried to press her neck and asked her daughters and son-in-law to flee away from the house. On refusal, he assaulted them. It is further alleged that the petitioner wants to sell his ancestral properties and reside with Pinki Devi to somewhere.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in this case due to mistake of fact. The petitioner neither demanded any dowry nor tortured the complainant. Hence, Section 498A of the I.P.C. is not attracted in the present case. It is further submitted that the petitioner is the husband of the opposite party no. 2 and she is residing in the same house with the petitioner. It is further submitted that after 36 years of the marriage, the present case has been instituted against the petitioner. There is general and omnibus allegation against the petitioner. The petitioner has further relied upon the judgment of this Court in the case of “*Md. Naimul Haque Ansari @ Naimul Haque Ansari & Ors. Vs. The State of Bihar*, reported in 2006(3) PLJR 182” and in the case of *Satendra Kumar Antil Vs.*



Central Bureau of Investigation and Another (2022)10 SCR 351 and Md. Asfak Alam Vs. The State of Jharkhand & Anr passed in *Criminal Appeal No (s). 2207 of 2023, arising out of Special Leave Petition (CRL.) No. 3433 of 2023*. Learned counsel for the petitioner has further submitted that Section 498(A) of the Indian Penal Code is triable by the Magistrate. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application.

6. Learned A.P.P. for the State and learned counsel for the opposite party no. 2 have opposed the prayer for anticipatory bail of the petitioner.

7. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned J.M. Ist Class, Danapur, in connection with Maner P.S. Case No. 456 of 2022, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure with the condition:-

(I) The petitioner is directed to remain physically present before the learned Court



below on each and every date, failing which
on two consecutive dates without reasonable
cause, the bail bonds of the petitioner are
liable to be cancelled.

8. If so advised, either of the parties will be at liberty
to make an application before the court below for referring the
matter to the District Mediation Centre for the purpose of
reconciliation or one time settlement.

9. The application stands allowed.

(Chandra Prakash Singh, J)

U.K./-

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

