

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18159 of 2023**

Arising Out of PS. Case No.-57 Year-2021 Thana- MAHILA P.S. District- Rohtas

Shakti Singh @ Bhagwan Singh Son Of Rajendra Singh R/O Village- Atri,
P.S.- Kutumba, District- Aurangabad.

... .. Petitioner

Versus

1. The State of Bihar
2. Reeta Devi D/O Late Janeshwar Singh R/O Village- Ghari, P.S.- Nasriganj,
District- Rohtas.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Singh, Advocate
For the Opposite Party/s : Mr.Madan Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 05-06-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

The petitioner, in the present case, is seeking pre-arrest bail in connection with Mahila P.S. Case No. 57/2021 registered for the offences punishable under Sections 341, 323, 498(A)/34 of the Indian Penal Code. He has one criminal antecedent as stated in paragraph '3' of the application.

Learned counsel for the petitioner submits that the marriage between the petitioner and the informant had taken place on 17.05.2002. After marriage they have got two children who are aged about 16 years and 14 years



respectively. It is further submitted that because of the matrimonial discord earlier the informant had filed a complaint case bearing No. 1020/2013 under Sections 323, 379, 307, 384, 498A of the Indian Penal Code in which the petitioner has been acquitted.

Learned counsel submits that in the nature of the disputes and the fact that earlier also the informant had lodged a case in which the petitioner has been acquitted, the petitioner deserves privilege of anticipatory bail. At the same time, it is submitted that the petitioner is ready to keep the informant as his legally wedded wife with full dignity and care.

Learned counsel for the State as well as the informant have jointly opposed this application. Pointing out to the observations made in the impugned order, learned counsel for the State submits that earlier the matter was sent to the Mediation Centre where the parties could not settle their dispute. It is further pointed out that on the basis of an agreement executed on stamp paper, the petitioner had taken the informant to his matrimonial home with a promise to keep her with full dignity and care, but later on she was



ousted after depriving her of her cloths and ornaments.

Learned counsel for the informant, however, submits that the informant is still ready and willing to live with the petitioner.

Having regard to the facts and circumstances of the case, the submissions noted hereinabove and the materials placed before this Court, this Court is of the considered opinion that at this stage the petitioner deserves privilege of anticipatory bail for a period of six months. During this period he will take back the informant to the matrimonial home and will keep her as his wife with full dignity and care. After six months the conduct of the petitioner shall be looked into by the learned court below and on being satisfied with the same, his bail bond would be confirmed.

Accordingly, this Court directs that in case of his arrest/surrender within a period of four weeks from today, let the petitioner above-named be enlarged on **Provisional bail for a period of six months** on furnishing bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Chief



Judicial Magistrate, Rohtas at Sasaram in connection with Mahila P.S. Case No. 57/2021, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

And further condition that he will take his wife to the matrimonial home and will keep her with full dignity and care whereafter his conduct shall be looked into by the learned court below and on being satisfied, the bail bond shall be confirmed.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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