

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21591 of 2023

Arising Out of PS. Case No.-8213 Year-2021 Thana- PATNA COMPLAINT CASE District-
Patna

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Deepak Kumar Singh Son Of Sri Nagendra Singh Resident Of Village- Sohail
Shapur, Ps- Baniyapur, Distt- Saran

... .. Petitioner

Versus

1. The State of Bihar
2. Mamta Singh Wife Of Sri Deepak Kumar Singh Resident Of Village-
Gayatri Niwas, Road No.1, Shivpuram, Vijay Nagar, Ps- Rajiv Nagar, Distt-
Patna

... .. Opposite Parties

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Appearance :

For the Petitioner/s : Mr.Sunil Kumar Singh, Advocate
For the State : Mr.Sanjay Kumar Tiwary, APP
For the Opposite Party no.2: Mr.Vinay Mistry, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 24-06-2023 Heard learned counsel for the petitioner, learned APP for
the State and learned counsel for the complainant -O.P. No. 2.

The petitioner in the present case is seeking pre-arrest bail
in connection with Compt. Case No.- 8213 (C) of 2021 registered for
the offences punishable under Section 498 'A' of the Indian Penal
Code and Section 4 of the D.P. Act. He has got no criminal
antecedent.

As per the allegations, the marriage between the petitioner
and the O.P. No. 2 was solemnized on 29.11.201 in which the mother
and brother of the complainant had given Rs. 25,00,000/- in cash and
other articles worth Rs. 15,00,000/-. It is alleged that when the
complainant went to her matrimonial house, she lived there only for
15 days but thereafter she was ousted as her husband, mother-in-law



were demanding a flat, bullet motorcycle and I-phone from her. It is further alleged that after 15 days she came back to her Mayke thereafter a compromise, she again went to her matrimonial house. Then she was blessed with a daughter whereafter her in-laws again started torturing and abusing her and she was ousted on 28.02.2021 from the matrimonial house.

Learned counsel for the petitioner submits that the petitioner and the complainant both were in job since from beginning of their marriage and both were posted in different places of India in connection with their service. It is his submission that the complainant never spend any time in her Sasural with the petitioner. She, according to the petitioner, is not interested in living conjugal life.

It is further submitted that the complainant has made a false statement in her solemn affirmation before the learned court below saying that she has not filed any case in the family court whereas the fact is that she has filed a maintenance case vide Case No. 434 of 2021 on 23.12.2021 against the petitioner.

Learned counsel for the petitioner submits that this petitioner is residing at Pune in connection with his work.

Learned counsel for the Informant has opposed this application, however, it is not denied that the complainant-O. P. No. 2 is also a working lady and she is stationed at Patna.

One thing which is admitted by learned counsel for the



parties is that the relationship between the two have broken down and perhaps it would not be possible for them to live together. They are looking for an amicable settlement.

Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

Having regard to the facts and circumstances of the case, the admitted position is that the parties are looking for a settlement and the maintenance case is pending in the family court, both of them are residing at two different places in connection with their work for last several years, this Court directs that in case of his arrest or surrender within a period of four weeks from today, the petitioner above named shall be enlarged on bail in connection with Compt. Case No.- 8213 (C) of 2021 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Patna, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. The petitioner must put his appearance either in-person or through his Advocate in the maintenance case on the next date failing which it will be open for the complainant to make a complaint for cancellation of the bail.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the



petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

Let this order be also communicated to the learned Principal Judge, Family Court, Patna where the Maintenance Case No. 434 of 2021 is pending to take efforts to get resolution of the dispute amicably between the parties and for that purpose, if required, mediation may be held at the earliest.

This application stands allowed.

(Rajeev Ranjan Prasad, J)

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