

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66147 of 2022

Arising Out of PS. Case No.-15 Year-2020 Thana- MAHILA P.S. District- Vaishali

LALAN KUMAR SINGH S/O RAJ KISHORE SINGH R/v- Matiyara Tok
Sarai, P.S.- Sarai, District- Vaishali

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. SHALU DEVI W/o Lalan Kumar Singh D/o Shankar Singh R/v- Matiyara Tok Sarai, P.S.- Sarai, District- Vaishali presently R/v- Tengraha, P.S.- Minapur, District- Muzaffarpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Bela Singh, Advocate
For the Opposite Party/s : Mr.Md. Fahimuddin,APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 09-10-2023 Heard Mrs.Bela Singh, learned counsel for the petitioner and Mr.Md. Fahimuddin, learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Hajipur Mahila P.S.Case No. 15 of 2020, FIR dated 12.05.2020 registered for the offences punishable under Sections 341,323,504,498A,34 of IPC.

3. The prosecution story, in brief, is that the informant gave a written application before the SHO, Mahila police station, Hajipur on 12.5.2020 stating therein that her marriage was solemnized with the petitioner, Lalan Kumar Singh in 2008 according to Hindu rites and customs. At the time of marriage,



her husband was in Defence service and after marriage, she went to her matrimonial house with her husband and after some times her husband, mother-in-law Sunita Devi and 'Dever' started ill treating her. They used to abuse and assault her. In the meantime, she gave birth to a female child.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent. He has falsely been implicated in the present case. Further submits that prior to the institution of the present FIR the petitioner has already filed a divorce suit bearing Divorce Suit No. 68 of 2020 on 18.03.2020 before the Family Court, Vaishali and the present FIR has been instituted on 12.05.2020 after filing of the divorce case.

5. Pursuant to the direction of this Court, the matter was referred to the Mediation Center of the Patna High Court for settlement of the dispute between the parties but the informant has never appeared in the mediation proceeding so the mediation proceeding has failed.

6. Learned APP for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioner.

7. Considering the aforesaid facts, let the petitioner, above named, in the event of his arrest or surrender before the



court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Vaishali in connection with Hajipur Mahila P.S.Case No. 15 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(I) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bonds shall be cancelled by the Court below.

(II) If the petitioner tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) 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/her criminal antecedents, 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.

(Rajesh Kumar Verma, J)

Nitesh/-

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