

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.5873 of 2024

Arising Out of PS. Case No.-185 Year-2023 Thana- BANIAPUR District- Saran

Balwant Kumar Singh @ Dipu Singh @ Balwant Singh @ Balwant Kumar
S/O Brajbhushan Singh @ Mohan Singh Village- Bangara, Ps. Baniyapur,
Dist. Saran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kiran Kumari W/O Balwant Kumar Singh @ Dipu Singh @ Balwant Singh
@ Balwant Kumar Village- Bangara,Ps.- Baniyapur, Dist.Saran.At Present
Residing At D/O Nageshwar Singh, R/O Village- Mehiya,Ps.Chapra
Muffasil,Dist.Saran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Dr. Rajesh Kumar Singh, Adv.
For the State	:	Mr. Abhay Kumar, APP
For the O.P. No.2	:	NONE

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 27-06-2024 Despite valid service of notice, no one appears on
behalf of the Opposite Party No. 2.

2. Heard learned counsel for the petitioner and learned
counsel for the State.

3. The petitioner apprehends his arrest in connection with
Baniyapur P.S. Case No. 185 of 2023 registered under Section
498A of the Indian Penal Code and Section $\frac{3}{4}$ of the Dowry
Prohibition Act.

4. As per prosecution case, all the named accused persons
including this petitioner tortured and harassed the complainant
for non-fulfillment of demand of dowry.

5. Learned counsel appearing on behalf of the petitioner
submits that petitioner happens to be husband of the
complainant and present case has been lodged due to petty



family dispute. There is general and omnibus allegation of commission of assault against him. It is further submitted that petitioner is ready to keep the informant/opposite party no. 2, as his wife, with full honour and dignity. It is next submitted that the case is triable by the Magistrate. In this connection, petitioner has relied upon a 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**.

6. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of petitioner.

7. Having considered the facts and circumstances of the case, let the above named petitioner be released on bail, in the event of arrest or surrender before the learned court below within a period of six weeks from today, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Saran at Chapra in connection with Baniyapur P.S. Case No. 185 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Prabhat Kumar Singh, J)

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