

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29564 of 2024

Arising Out of PS. Case No.-189 Year-2023 Thana- AMBA District- Aurangabad

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1. Arvind Singh S/o Late Shivpujan Singh R/o Mohalla - H.N. 8, ward no. 3, P.S. - Bishrampur, Distt. - Surajpur (Chhatishgardh)
 2. Reshmi Singh W/o Arvind Singh R/o Mohalla - H.N. 8, ward no. 3, P.s. - Bishrampur, Distt. - Surajpur (Chhatishgardh)
 3. Abhishek Singh S/o Arvind Singh R/o Mohalla - H.N. 8, ward no. 3, P.s. - Bishrampur, Distt. - Surajpur (Chhatishgardh)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Priyanka Kumari W/o Rahul Singh, D/o Dhananjay Kumar Singh R/o vill-Balia, P.S. - Amba, Distt. - Aurangabad

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Singh, Advocate
For the State	:	Ms. Pushpa Sinha.1, APP
For the Informant	:	Mr. Santosh Kumar Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 21-05-2024 Heard Ld. counsel for the petitioners and

Ld. APP for the State as well as Ld. counsel for the informant.

2. The petitioners apprehend their arrest in connection with Amba P.S. Case No. 189 of 2023 dated 10.08.2023, registered for the offences punishable under Sections 341, 323, 504, 379, 307, 498A of the Indian Penal Code and Section 3/4 of Dowry Prohibition Act.

3. As per the prosecution case, there is allegation of demand of dowry of a sum of Rs.10,00,000/- and one Scorpio against the petitioners and other co-accused persons and on



account of non-fulfillment of the said demand, she (informant) was assaulted and threatened to perform second marriage of the informant's husband.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. He further submits that it is a case of failed marriage and the F.I.R. arising out of the complaint before the Magistrate has been filed on account of failure of the marriage with intent to harass the accused persons including the informant-husband. He further submits that the allegation is stereotype and there is no material in support of any physical violence and the maximum punishment for the alleged offence is three years. He next submits that the allegation against the petitioners is general and omnibus in nature. There is no specific allegation against the petitioners with reference to day, time, place and nature of injury.

5. It has also been stated in paragraph no.3 of the bail petition that the petitioners have no criminal antecedent.

6. It is also stated in paragraph no. 2 of the petition that petitioners have never moved before this Hon'ble Court for grant of Anticipatory Bail or Regular Bail.

7. However, Ld. APP for the State and Ld. counsel for



the informant oppose the prayer of the petitioners for anticipatory bail submitting that the informant-wife is willing to live with her husband but he is not keeping her in the matrimonial home. He further submits that when the family of the informant went to the house of the petitioners for settlement of the dispute between husband and wife, a false case was lodged by the accused side against the family of the informant. He also submits that in case the marriage has failed then husband should go for permanent alimony to the informant-wife.

8. Considering the submissions advanced by both the parties and perused the materials on record, it appears to be a case of failed marriage and the parties need to go to Family Court for settlement of matrimonial dispute, this application is allowed, directing the petitioners above named, to be enlarged on bail in the event of their arrest or surrender before Ld. trial court within a period of eight weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of Ld. Chief Judicial Magistrate, Aurangabad, in connection with Amba P.S. Case No. 189 of 2023, subject to the conditions as laid down



under Section 438(2) Cr.P.C. and on the following conditions:

(i) In case, it is brought to the notice of Ld. trial court that the petitioners have any criminal antecedent, Ld. trial court shall cancel the bail bond of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

(ii) In case, it is brought to the notice of Ld. trial court that statement regarding previous bail petition is wrong, Ld. trial court shall cancel the bail bond of the petitioners.

(Jitendra Kumar, J.)

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