

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28759 of 2024

Arising Out of PS. Case No.-442 Year-2023 Thana- SIMRI District- Buxar

Bigan Singh Son of Late Jagdish Singh Resident of Village- Sahiyar, P.S.
Simri, District- Buxar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Reema Devi W/o Bigan Singh At present resident of Village- Akarua, P.S.
Piro, District- Bhojpur

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Ravi Shankar Pathak, Advocate
For the State	:	Mr. Kanhaiya Kishore, APP
For Opposite Party No.2	:	Ms. Shruti Kumari, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 05-08-2024 Heard learned counsels for the parties.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 341, 323, 494, 498A, 506 and 34 of the Indian Penal Code.

3. As per prosecution case, this petitioner solemnized marriage with the informant/Opposite Party No. 2 in the year 1997. Since the couple did not had any child, with consent, daughter of brother of informant was adopted by them. Later on, this petitioner went into live-in relationship with another woman and thereafter, started threatening the informant/Opposite Party No. 2 to leave her matrimonial house. Thereafter, when the informant/Opposite Party No. 2 tried to enter the house, this



petitioner and co-accused Gunja Devi assaulted the informant and ousted her.

4. It is submitted by learned counsel appearing on behalf of the petitioner that petitioner happens to be husband of the informant/Opposite Party No. 2 and the allegations are false and concocted. As a matter of fact, there was some issue with the adopted girl, who had sold some land which was in the name of this petitioner, for which Brahmpur P.S. Case No. 262 of 2022 was lodged and only with a view to save their skin, this false and concocted case has been lodged. As a matter of fact, the petitioner at no point of time committed any torture upon the informant. It is further submitted that petitioner is ready to keep the informant, as his wife, with full honour and dignity. Moreover, pursuant to direction passed by this Hon'ble Court vide order dated 15.05.2024, the petitioner has already paid interim maintenance of Rs. 5,000/- per month to the informant/Opposite Party No. 2 up till July, 2024 and undertakes to continuously pay the same. Petitioner claims clean antecedent.

5. Learned A.P.P. for the State and learned counsel appearing on behalf of informant/Opposite party No. 2 have vehemently opposed the prayer for grant of anticipatory bail to



the petitioner.

6. Considering the aforesaid facts and circumstances, the fact that petitioner is already paying interim maintenance to the informant/Opposite Party No. 2 and undertakes to pay the same continuously and clean antecedents of the petitioner, the prayer for grant of anticipatory bail to the petitioner is allowed.

7. Accordingly, in the event of arrest/surrender within a period of six weeks from today, let the above named petitioner be enlarged 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 J.M. First Class, Court No. 12, Buxar, in connection with Simri P.S. Case No. 442 of 2023, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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