

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31217 of 2023

Arising Out of PS. Case No.-272 Year-2022 Thana- DORIGANJ District- Saran

Ashutosh Singh @ Rahul Singh @ Ashutosh Kumar Singh, aged about 29 years, Male, Son of Jay Shankar Singh @ Rahul Singh, R/O-Kotawa, P.S.-Bairiya, Distt.-Ballia (u.p.) and at present address-Ramchandra Nagar, New Basti Kajipura, Near-Dih Baba Temple, P.S.-Kotwali, Distt.-Ballia (U.P.)

... .. Petitioner

Versus

1. The State of Bihar.
2. Kalpana Singh, aged about 26 years, D/O Late Sanjay Singh and wife of Ashutosh Singh @ Rahul Singh, R/O Village-Dumari Aadda, P.S. Doriganj, District-Saran (Chapra).

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Anil Kumar Tiwary, Advocate
For the O.P. No. 2	:	Mr. Sadashiv Tiwari, Advocate
For the State	:	Mr. Md. Fahimuddin, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

6 11-01-2024 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

2. Heard learned counsel for the petitioner, learned counsel for the opposite party no. 2 and learned Additional Public Prosecution for the State.

3. The petitioner is apprehending his arrest in connection with Doriganj P.S. Case No. 272 of 2022 dated 14.09.2022 registered for the offences punishable under Sections 341, 323, 498A, 504/34 of the I.P.C., Section 3/4 of the D.P. Act and Section 66C of the I.T. Act.



4. As per the prosecution case, the petitioner and other co-accused persons are alleged to have tortured the opposite party no. 2 due to non-fulfilment of demand of Rs. 5,00,000/- and a bullet motorcycle as dowry. It is further alleged that the petitioner added a g mail account on his mobile and after making profile in the name of the opposite party no. 2, he sent messages to the known persons of the opposite party no. 2 on the Face book and Instagram.

5. Earlier vide order dated 08.09.2023, the matter was referred to the Mediation Centre of the Patna High Court for mediation between the parties but from perusal of the Mediator's report dated 13.12.2023, it appears that the mediation has failed.

6. Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in this case. The petitioner neither demanded any dowry nor tortured the opposite party no. 2. It is further submitted that the petitioner is the husband of the opposite party no. 2 and he has no concern with the alleged offence. It is submitted that as per the F.I.R., the petitioner and his father and mother came at the maik of the opposite party no. 2 on 16.05.2022 and assaulted her mother and sister but the F.I.R. has been lodged on



14.09.2022 after a lapse of four months for which no explanation has been given by the prosecution. There is general and omnibus allegation against the petitioner. No specific allegation has been made against the petitioner. It is submitted that the opposite party no. 2 used to talk on mobile in late night with some unknown person and the petitioner prohibited the same due to that reason the present false case has been lodged by her. It is further submitted that during the course of investigation, the witnesses have given contradictory statements with regard to the allegation as levelled in the F.I.R. The petitioner as not contracted second marriage. Learned counsel for the petitioner has relied upon the judgments 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*” and in the case of *Satendra Kumar Antil Vs. Central Bureau of Investigation and Another (2022) 10 SCR 351* and *Md. Asfak Alam Vs. The State of Jharkhand & Anr.* passed in *Criminal Appeal No (s). 2207 of 2023 arising out of Special Leave Petition (CRL.) No. 3433 of 2023*. Learned counsel for the petitioner has further submitted that Section 498A of the Indian Penal Code is triable by the Magistrate. The petitioner has clean antecedent as stated in paragraph no. 3 of



the bail application.

7. Learned A.P.P. for the State and learned counsel for the opposite party no. 2 have opposed the prayer for anticipatory bail of the petitioner.

8. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned court concerned, Saran at Chapra in connection with Doriganj P.S. Case No. 272 of 2022, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure with further condition:-

I. The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.

9. If so advised, either of the parties will be at liberty to make an application before the court below for referring the



matter to the District Mediation Centre for the purpose of
reconciliation or one time settlement.

10. The application stands allowed.

(Chandra Prakash Singh, J)

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