

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.35040 of 2024**

Arising Out of PS. Case No.-596 Year-2022 Thana- SIWAN COMPLAINT CASE District-  
Siwan

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Ashish Kumar @ Ashish Kumar Singh @ Kundan Kumar Son of  
Mankeshwar Singh R/O Vill.- Narayanpur, P.S.- G.B. Pachrukhi, Dist.- Siwan  
... .. Petitioner/s

Versus

1. The State of Bihar
  2. Rajni Kumari Daughter of Late Ramendra Singh R/O Vill.- Done, P.S.-  
Daruli, Distt.- Siwan
- ... .. Opposite Party/s

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**Appearance :**

|                            |                                    |
|----------------------------|------------------------------------|
| For the Petitioner/s :     | Ms. Kumari Anupam, Advocate        |
| For the Opposite Party/s : | Mr. Chandra Bhushan Prasad, A.P.P. |
|                            | Mr. Ajay Kumar Pandey, Advocate    |
|                            | Ms. Shyama Rani, Advocate          |

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**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

3      30-07-2024                      1. Heard learned counsel for the petitioner, Mr.  
  
Chandra Bhushan Prasad learned A.P.P. for the State and learned  
  
counsel appearing on behalf of the complainant.

2. The petitioner apprehends his arrest in a case  
  
registered for the offences punishable under Sections 498(A),  
  
323, 313 and 406 of the Indian Penal Code.

3. Learned counsel for the petitioner, at the outset,  
  
submits that petitioner has been falsely implicated in the instant  
  
case by the complainant. It is further submitted that though the  
  
complainant alleges that she married the petitioner but then the  
  
petitioner vehemently disputes the said contention that he ever  
  
married the complainant. It is next submitted that deliberately



the instant complaint was filed so that the case is not investigated by the police. It is also submitted that had an FIR been instituted perhaps in the investigation the correct fact would have come to the fore but when a complaint is filed, it becomes easy for the complainant to convince the court prima facie at the initial stage by bringing two witnesses. It is further submitted that had the petitioner married the complainant in that event she would have at least produced one photograph of the marriage but then i.e. not the case.

4. Learned counsel appearing on behalf of the complainant rebuts the said submission of the learned counsel appearing on behalf of the petitioner and submits that a counter affidavit has been filed in which pleadings have been made to the effect that petitioner married the complainant in presence of the family members of the complainant and his family members.

5. At this stage, learned counsel for the petitioner submits that though pleadings have been made in the counter affidavit regarding the factum of marriage but then no photograph has been annexed to show that petitioner and the complainant had performed their marriage. The facts of the case are disputed. Petitioner has his own story to tell while complainant has her own story to tell.



6. Be that as it may, considering the submissions made by the learned counsel for the petitioner, let the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Complaint Case No. 596 of 2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

Kundan/-

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