

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68888 of 2023

Arising Out of PS. Case No.-116 Year-2019 Thana- PARIHAR District- Sitamarhi

Vikas Kumar Singh @ Vikas Singh S/O Late Babulal Singh Resident Of Razi
Haidar Compound Rambag P.S Mithanpura, Dist- Muzaffarpur

... .. Petitioner/S

Versus

1. The State Of Bihar
2. Rusu Kumari @ Dipti Chauhan D/O Shyam Nandan Singh Village And Po-
Sahargama, Ps- Parihar, Dist- Sitamarhi

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar

For the Opposite Party/s : Mr. Umeshanand Pandit

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 30-04-2024 1. Heard learned counsel for the petitioner and learned

A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 420, 406, 323, 504, 313 and 498(A) of the Indian Penal Code, Sections 3 and 4 of the D.P. Act and Sections 5 and 6 of the Immoral Traffic Act.

3. Learned counsel for the petitioner submits that an application of jointness has been filed, in compliance of the order dated 05.03.2024, as the notice on behalf of the O.P. No.2 has been received by her mother. Since jointness application has been filed, as such, the notice is deemed to have been validly



served.

4. The learned counsel for the petitioner submits that the petitioner being husband has been falsely implicated in the instant case. It is next submitted that the O.P. No.2 despite receiving notice chooses not to appear and contest, which amply demonstrates that she is not in a position to substantiate the allegation alleged in the F.I.R. It is further submitted that in sum and substance, the informant alleges that petitioner being husband compelled her to sleep with his own brother-in-law and friends and even demanded Rs.20 lacs for purchasing a flat in Mumbai or else and in the event of non-fulfillment of the demand, she will be made to earn through prostitution. The learned counsel submits that the informant for reasons best known, implicated the family members of the petitioner. It is next submitted that no husband will ask his wife to commit such an occurrence with the husband of his sister. It is also submitted that the petitioner is still willing to keep her with honour and dignity but then for reasons best known, the informant is not willing to restitute her conjugal rights. It is also submitted that allegation of abortion is general and omnibus in nature and the same has been alleged only with a view to give serious colour to the case.



5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the submissions made by the learned counsel for the petitioner and the fact that O.P. No.2 despite receiving notice chooses not to appear, 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 trial court where the case is pending/successor court in connection with Parihar P.S. Case No.116/2019, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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