

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71208 of 2023

Arising Out of PS. Case No.-242 Year-2023 Thana- OBRA District- Aurangabad

Pankaj Kumar Singh, aged about 29 years (Male), Son of Vinod Singh,
Resident of Village- Bhuiya, P.S.- Obra, Dist- Aurangabad.

... .. Petitioner

Versus

1. The State of Bihar.
2. Nisha Singh, Wife of Pankanj Kumar Singh, Resident of Village- Kharkani,
P.S.- Aurangabad Muffasil, Dist- Aurangabad, Permanent Address At
Village- Bhuiya, P.S.- Obra, Distt- Aurangabad.

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Shailesh Kumar Singh, Advocate
For the O.P. No. 2	:	None.
For the State	:	Mr. Uday Pratap Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

5 09-04-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State. However, learned
counsel for the opposite party no. 2 is not present.

2. The petitioner is apprehending his arrest in
connection with Obra P.S. Case No. 242 of 2023 dated
04.06.2023 registered for the offences punishable under
Sections 341, 323, 504, 506, 379, 498A of the I.P.C. and Section
¾ of the D.P. Act.

3. As per the prosecution case, the petitioner and other
co-accused persons are alleged to have tortured the informant
mentally and physically due to non-fulfilment of demand of Rs.



10,00,000/- or a Scorpio vehicle as dowry. It is further alleged that the petitioner kept one Vinita Singh @ Puja after death of her husband and the opposite party no. 2 alongwith her child was ousted from the matrimonial house.

4. 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 informant. It is further submitted that the petitioner is the husband of the informant and he has no concern with the alleged offence. It is further submitted that the petitioner is ready to one time settlement with the opposite party no. 2. The petitioner has no illicit relationship with another lady. 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.

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

6. 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, Aurangabad (Bihar) in connection with Obra P.S. Case No. 242 of 2023, 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.

7. 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.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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