

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49706 of 2024

Arising Out of PS. Case No.-1173 Year-2021 Thana- BHOJPUR COMPLAINT CASE
District- Bhojpur

BIKAS KUMAR SINGH @ BIKASH KUMAR SINGH SON OF LATE
RAM BABU SINGH R/O- VILLAGE- FARNA, P.S.- BARAHAR, DISTT.-
BHOJPUR, AT PRESENT POSTED AT CAMP S.S.B. BIRPUR, 45
BATTALION, P.S.- BIRPUR, DISTT.- SUPAUL, BIHAR, PIN-854340

... .. Petitioner/s

Versus

1. The State of Bihar
2. GAYATRI SINGH @ GAYATRI DEVI WIFE OF BIKASH KUMAR
SINGH, D/O- ARVIND KUMAR SINGH R/O- VILLAGE- KULHADIYA,
P.S.- KULHADIYA, P.S.- KOILWAR, DISTT.- BHOJPUR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Basant Kumar Singh, Adv.
For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 31-01-2025 Heard Mr. Basant Kumar Singh, learned counsel for
the petitioner and Mr. Jitendra Kumar Singh, learned APP.

2. The petitioner apprehends his arrest in connection
with Complaint Case No. 1173(C) of 2021 for the offence
registered under sections 323, 342, 498(A) of the IPC lodged on
17.05.2022 by the informant Gayatri Singh.

3. As per the prosecution story, the complainant
alleged that she was married to the petitioner in the year 2015
but was always tortured for dowry. The petitioner is posted with
the Sashastra Seema Bal presently at Birpur, Supaul and despite
the direction of the Commanding Officer, SSB, Muzaffarpur



where he was earlier posted, to provide one-third of the salary, the same was stopped with the condition that unless his demand of dowry is not fulfilled, he shall not pay the amount. Fed up with the said attitude, the complaint.

4. Earlier, the anticipatory bail of the petitioner was rejected in Cr. Misc. No. 9447 of 2024 on 08.05.2024 but the second anticipatory bail has been filed in the changed circumstance that the petitioner intended to keep the lady with him with full dignity and owner.

5. As per the supplementary affidavit, from June 2024, the lady is getting maintenance of Rs. 17,896/- from his salary. Further, he undertook to take the lady on 24.01.2025.

6. A document duly signed by both the parties show that the petitioner has taken the lady to his home and has undertaken to keep her with dignity and honour. Let the hand written document be kept on record which contains the 'Aadhar' papers of both the parties.

7. Though learned APP opposes the prayer for bail submitting that it a second anticipatory bail, earlier being rejected, concede that the lady is now with the petitioner.

8. Taking into account the aforesaid facts as also that the petitioner is serving with the S.S.B., Birpur, Supaul, good



sense has prevailed upon him, after the rejection of the first anticipatory bail application, he started making payment of one-third of his salary which learned counsel for the petitioner on instruction undertook that he shall be continuing with it, for the present, both are now under the same roof, in that background, this Court is inclined to grant him the anticipatory bail with conditions.

9. Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, First Class, Bhojpur, Ara in connection with Complaint Case No. 1173(C) of 2021 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family members/relatives of the petitioner, who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;



(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

10. It is, however, made clear that if the petitioner goes back from his words of what has been narrated both in the supplementary affidavit as also the hand written document duly signed by him, the lady will always have the option to take appropriate steps against him in accordance with law which include the cancellation of his bail bond.

(Rajiv Roy, J)

Vijay Singh/-

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