

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65641 of 2024

Arising Out of PS. Case No.-24 Year-2023 Thana- MAHILA PS District- Gaya

1. Dr. Ratneshwar Singh @ Ratneshwar Prasad Singh Son of Late Awadh Kishore Prasad Singh Resident of Tunkupa, PO- Konch, PS- Konch, District- Gaya, Pin Code- 824 207 and presently residing at Ganga Singh Law College Road, Salempur , PO+PS- Chapra Sadar, District- Saran, Pin Code- 841301
2. Ms. Rita Devi @ Rita Singh Wife of Ratneshwar Singh @ Ratneshwar Prasad Singh Resident of Tunkupa, PO- Konch, PS- Konch, District- Gaya, Pin Code- 824 207 and presently residing at Ganga Singh Law College Road, Salempur , PO- PS- Chapra Sadar, District- Saran, Pin Code- 841301

... .. Petitioner/s

Versus

1. The State of Bihar
2. Dr. Shalini Kumari W/o Sriman Narayan Shandilya, R/o 5-8, Vastu vihar, phase-1, Behind Dav School, P.S- Bodhgaya, District- Gaya, 824231

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Raushan, Advocate Mr. Arpit Anand, Advocate Mr. Sahil Kumar, Advocate
For the State	:	Md. Iftexhar Mahmood, APP
For the Informant	:	Mr. Ravindra Sharma, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 28-01-2025 Heard Mr. Raushan, learned counsel for the petitioners, Mr. Ravindra Sharma, learned counsel appearing on behalf of the informant and Md. Iftexhar Mahmood, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Mahila P.S. Case No. 24 of 2023, F.I.R. dated 22.03.2023 for the offences punishable under Sections 406, 420/34 of the Indian Penal Code and Sections 3 & 4 of the



Dowry Prohibition Act.

3. Learned counsel for the petitioners submits that earlier the petitioners have moved before this Hon'ble Court for grant of anticipatory bail in Cr. Misc. No. 86696 of 2023 but the same was withdrawn on 09.04.2024 on the ground that the petitioners have been granted stay on lower court proceedings vide order dated 06.11.2023 passed in Cr. Misc. No. 60476 of 2023 (Quashing Application).

4. According to prosecution case, the marriage of petitioners' son with the daughter of the informant was fixed on 29.11.2021. However, on 18.06.2021 all of them have celebrated the birthday of petitioners' son where the informant has gifted several things worth Rs. 2,50,000/- and Rs. 7,00,000/- cash for purchasing car. Later on, the petitioner no. 2 further demanded Rs. 5,00,000/- but the informant disagree with her and the petitioners have rescheduled the marriage in the year 2022. It is further alleged that in the meantime the informant came to know that the petitioners' son has already performed marriage with one Dr. Vaishnavi Sandilya in the month of May, 2022 and on perusal of this information the informant demanded her money back but the petitioners refused to do so and also threatened her.



5. Learned counsel for the petitioners submits that the aforesaid Cr. Misc. No. 60476 of 2023 was dismissed as withdrawn vide order dated 23.07.2024 and now the petitioners have apprehended their arrest in connection with present case. He further submits that the petitioners are innocent and they have falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R is false and fabricated and the petitioners have not committed any offence as alleged in the F.I.R. He further submits that from perusal of the F.I.R, the proposal of marriage was accepted by the petitioners in January, 2021 and the dates of Tilak and Marriage ceremony was fixed on 26.11.2021 and 29.11.2021 respectively. But unfortunately the marriage was not solemnized between the petitioners' son and daughter of the informant and thereafter, the present F.I.R has been instituted on 22.03.2023 after a delay of around 16 months which suggest that the present F.I.R was instituted after thought only to harass the petitioners and their family members and the present F.I.R was instituted when the informant has come to know that the son of the petitioners have performed the marriage in May, 2022. In fact, the marriage proposal was accepted by the petitioners on 18.06.2021 but the daughter of the informant called the son of the petitioners and



refused to marry with him on the ground that she is in love with one Piyush Goenka and she had also send some photographs of Piyush Goenka. He further submits that the son of the petitioners namely, Dr. Gaurav Singh @ Gaurav Singh has been granted anticipatory bail by a Co-ordinate Bench of this Hon'ble Court vide order dated 23.04.2024 passed in Cr. Misc. No. 22551 of 2024.

6. The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioners on the ground that the son of the petitioners has granted anticipatory bail by a Co-ordinate Bench of this Hon'ble Court but the son of the petitioners have not informed the Court that the stay has been granted by the Co-ordinate Bench of this Hon'ble Court in (Quashing Application) Cr. Misc. No. 60476 of 2023 vide order dated 06.11.2023 and the son of the petitioners have been granted anticipatory bail vide order dated 23.04.2024 passed in Cr. Misc. No. 22551 of 2024 and on the date of granting anticipatory bail to the son of the petitioners, stay was granted in the lower Court proceeding and therefore, Cr. Misc. No. 60476 of 2023 was dismissed on 23.07.2024. It also appears that the petitioners have not come in this Court with clean hands and



apart from that the petitioners carry one criminal antecedent other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioner is on bail in the pending matter.

7. Considering the aforesaid facts and circumstances that the petitioners are father and mother of the co-accused, Dr. Gaurav Singh @ Gaurav Singh and he has been granted anticipatory bail, let the petitioners, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bonds of Rs. 25,000/- (Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Gaya in connection with Mahila P.S. Case No. 24 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.



ii. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bonds of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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