

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63984 of 2024

Arising Out of PS. Case No.-3 Year-2024 Thana- NAVINAGAR District- Aurangabad

1. Bablu @ Bablu Kumar @ Ravi Kumar @ Ravi Shankar Singh Son of Late Rajendra Singh villlage- Itwa Karma, Ps- Godari, Dist- Rohtas
2. Dadan Singh Son of Late Rajendra Singh villlage- Itwa Karma, Ps- Godari, Dist- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bindhyachal Singh, Sr. Adv. Ms. Nikita Mittal, Adv.
For the State	:	Mr. Syed Mojibur Rahman, APP.
For the Informant	:	Mr. Kamendra Pd. Singh, Adv.

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

6 18-04-2025 Earlier vide order dated 17.03.2025, the application in respect of petitioner no.2 was dismissed as withdrawn as he had been arrested by the police during the pendency of the present case.

2. Heard learned counsel for the petitioner (petitioner no.1), learned APP for the State and learned counsel for the informant (opposite party no.2).

3. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 498(A), 377, 376, 323, 379, 341 of the Indian Penal Code and Sections 3 & 4 of the Dowry Prohibition Act.

4. The instant case arises out of a complaint which was



subsequently sent for institution of FIR u/s 156(3) of Cr.P.C. The prosecution case, in brief, is that the husband of the informant sexually abused her in an unnatural manner from the next day of their marriage and she was also sexually abused by her in-laws and friends of her husband after rendering her unconscious by mixing some intoxicating material in her milk. It has further been alleged that on protest, her husband along with the petitioner and other family members demanded a car as dowry and it was stated that she would only after that be allowed to go with her parents. There is further allegation against the husband of the informant that he even threatened to kill her family members.

5. Learned senior counsel for the petitioner submits that petitioner no.1 happens to be the maternal uncle-in-law of the informant. At the outset, it is submitted that the allegations made in the complaint prima facie seem to be outrageous and also not believable on account of the fact that not only the husband, but also the other male members of the family used to sexually assault the informant at the behest of her husband. It is further submitted that the allegations made in the complaint are confined to the month of September, 2023, whereas the present complaint came to be filed on 30.11.2023 after more than two



months of the occurrence.

6. Learned senior counsel for the petitioner also submits that despite the allegations of assault and even the allegation that the informant was thrown from the roof of the house, no apparent injury was found on her body during her medical examination at Sadar Hospital, which is also evident from Annexure-3 to this petition. It is further submitted that the husband of the informant is primarily responsible for the welfare of his wife and upon whom the main thrust of the allegation also lies, is already in custody. It is further submitted that the father-in-law of the informant was arrested and was granted the regular bail considering the grounds alleged therein vide order dated 19.11.2024 passed in Cr. Misc. no. 66024/2020. Learned senior counsel further submits that another maternal uncle, namely, Dadan Singh, who was also one of the petitioners in the instant application initially, was subsequently taken into custody and hence, he had to move for regular bail and he was granted the privilege of bail by this Court vide order dated 05.03.2025 passed in Cr. Misc. No. 14742 of 2025. Learned senior counsel also points out the fact with regard to the present petitioner that earlier this Court had stated that no coercive step would be taken against him.



7. Learned APP for the State and learned counsel for the informant oppose the prayer for bail submitting that the allegations, as levelled in the FIR, seem quite heinous in nature and the victim (informant) has been subjected to unnatural sexual activity not only at the hands of the petitioner, but also by the other members of the family. Learned counsel for the informant, at this stage, also submits that the informant was treated and some injury was found on her person, but such documents have not been brought on record and are also not a part of the case diary.

8. Considering the rival contentions of the parties and also taking into consideration the fact that there is general and omnibus allegation against the petitioner and the victim (informant), in her statement recorded under Section 164 Cr.P.C., has also disclosed that with regard to the petitioner, there is general and omnibus allegation and the allegations are rather specific with regard to the father-in-law and the husband of the informant out of whom, the husband is still in custody, whereas the father-in-law has been granted the privilege of regular bail, I am inclined to grant the privilege of anticipatory bail to the petitioner (petitioner no.1), who has no earlier criminal history. Let the petitioner (petitioner no.1), above



named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned ACJM 1st, Aurangabad in connection with Nabinagar P.S. Case No.03 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C/ 482 (2) of the BNSS, 2023.

(Soni Shrivastava, J)

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