

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.80321 of 2024**

Arising Out of PS. Case No.-75 Year-2022 Thana- MAHILA P.S. District- Bhojpur

Pawan Kumar Singh, Son of Late Birendra Singh, Resident of Village-  
Mahuari, P.S.- Akorhi Gola, Dist- Rohtas, At present resident Maheshpur  
Colony, Distt.- Dhanbad

... .. Petitioner/s

Versus

1. The State of Bihar
2. Annu Singh D/O- Binod Singh Resident of Village-Semraon, P.S.-  
Bharpokhari, Dist- Bhojpur

... .. Opposite Party/s

**Appearance :**

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|----------------------|---|------------------------------|
| For the Petitioner/s | : | Mr. Sanjay Kumar Singh, Adv. |
| For the State        | : | Mr. Nand Kishore Prasad, APP |
| For the O.P. No. 2   | : | Mr. Vinay Kumar Mishra, Adv. |

**CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH**  
**ORAL ORDER**

3      22-03-2025                      Heard Sanjay Kumar Singh, learned counsel for the  
petitioner, Mr. Nand Kishore Prasad, learned APP for the State  
and Mr. Vinay Kumar Mishra, learned counsel for the O.P. No. 2.

2. The petitioner apprehends his arrest in connection  
with Mahila P.S. Case No. 75 of 2022 dated 19.08.2022 registered  
for the offences punishable under sections 341, 323, 504, 506, 420  
and 498A read with section 34 of the Indian Penal Code.

3. The main submissions advanced by petitioner's  
counsel are that the FIR of the present matter was lodged by the  
petitioner's wife (informant), admittedly the marriage between the  
petitioner and the informant took place in the year 2003 and it is  
also an admitted position that between the year 2003 and 2020,



there was no allegation of any kind of cruelty being done on the part of the petitioner with the informant. It is further submitted that from the conjugal relation between the spouses, there is one daughter, aged about 17 years, who is presently residing with the petitioner while there is one minor son, who is presently residing with the informant. It is further submitted that in fact, the informant has deserted the petitioner and started residing at her *naihar*, owing to which, the petitioner had to file a matrimonial suit for dissolving the marriage and the same is pending and in the said matrimonial suit, the petitioner has been directed to pay Rs. 10,000/- (Rupees Ten Thousand) per month as an interim maintenance to the informant and the same is being regularly deducted from the salary of the petitioner.

4. On the other hand, learned counsel appearing for the informant has vehemently opposed this petition and submits that the informant is willing to reside with the petitioner and it is the petitioner who himself does not want to lead the conjugal relationship with her and a meager amount for the maintenance of the informant and her minor child has been granted by the family court while the petitioner is getting Rs. 1,40,000/- per month as a salary from his employment.

5. Learned APP for the State has also opposed the prayer of the petitioner.



6. In the facts and circumstances of this case as well as above submissions and mainly the facts that admittedly, the marriage between the petitioner and the O.P. No. 2 took place in the year 2003 and there are two children from their conjugal relationship, one daughter aged about 17 years who is presently residing with the petitioner while the minor son is presently residing with the informant and the informant is being given interim maintenance regularly and in between both the parties, there is a matrimonial suit pending in the family court, in my opinion, it is a fit case for anticipatory bail to the petitioner. Accordingly, let the petitioner named-above, 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 bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Mahila P.S. Case No. 75 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Shailendra Singh, J)

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