

COURT OF SESSIONS JUDGE, BHOJPUR ARA

ABP No. 2431 of 2022

Pradosh Singh & Ors. Vs. The State of Bihar

With

ABP No. 3370 of 2022

Pawan Singh Vs. The State of Bihar

(Both are arising out of Mahila P.S Case No. 71 of 2022)

18.01.2023

As both the bail petitions are arising out of same PS case are decided hereby this common order. ABP no. 2431 of 2022 has been filed on behalf of the accused / petitioners namely 1. Pradosh Singh, 2. Shivam Singh, 3. Rina Singh whereas ABP no. 3370 of 2022 has been filed on behalf of accused / petitioner namely Pawan Singh who apprehend their arrest in connection with Mahila P.S Case No. 71 of 2022 registered u/ss 341, 323, 504, 506, 498-A, 34 of IPC and 3 / 4 of DP Act.

It has been certified in paragraph no. 2 of both the bail petitions that the present petitioners have neither moved before this court or Hon'ble High Court for their anticipatory or regular bail to them in this case prior to the present one.

Heard Sri Sardar Birendra Kumar Singh, learned lawyer for the petitioners on both the bail petitions as well as Sri Nageshwar Dubey, Public Prosecutor on Bail Petitions.

On the basis of the written report the prosecution story in short is that the marriage of the informant has solemnized on 08.12.2020 with the petitioner Pawan Singh and from the same day all the in laws of the informant has been starting demand of Scorpio and ten lac rupees as dowry and for fulfillment of the said demand they have started torturing the informant physically and mentally in various ways. On 21.07.2020 in the night at about 10:00 pm the husband of the informant assaulted her very badly by means of iron rod and her in laws also assaulted her and after taking away all her belonging they have tried to throw the informant from the Ganga Bridge but anyhow the police came there and the petitioners / co-accused persons left the informant at Ara Station and then the informant has went to her parental house.

The main submissions advanced by the learned counsel for the petitioners are that the petitioners are innocent and have committed no offence. No occurrence has ever been took place as alleged by the prosecution. The petitioners / co-accused persons have never demanded any dowry from the informant. The petitioners have falsely implicated in this case.

The learned P.P. has opposed the bail petition and submitted that against the petitioners there is serious allegation and they do not deserve to anticipatory bail.

I have heard both the sides and perused the FIR, and bail petitions.

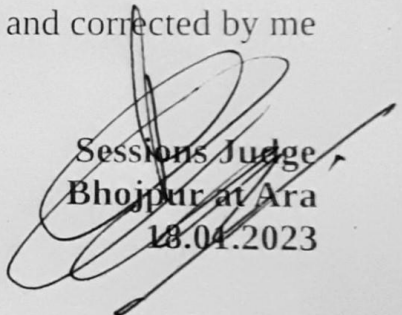
Petitioner Pawan Singh and her wife (informant) has physically present before this Court and ready to live with each other. The informant and her husband also filed their written undertaking to live together. The husband of the

informant has submitted undertaking stating there in that he is ready to keep her wife with full dignity, honor and care and they have fixed 20.01.2023 date for the 'Vidai'. It appears that the present matter relates to a simple family dispute and there is chance of the reunion of families. Petitioners of ABP No. 2431 of 2022 are the in laws of the informant who have not any specific role in the married life of the informant. Considering all these facts and mainly in aspect of better future and reunion of spouses, in my view, a lenient can be taken in respect of the prayer of petitioners'.

Accordingly let the petitioners of both the bail petitions, in the event of their arrest/surrender before the learned court below within a period of 25 days from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of like amount each to the satisfaction of the court below subject to conditions as laid down u/s 438 (2) of Cr.P.C. of Criminal Procedure.

Further if the informant will make complain against her husband before the learned lower court regarding not fulfilling the conditions / promises as stated in his undertaking then the learned lower court has a liberty to cancel the bail bond of petitioner of 3370 of 2022 namely Pawan Singh.

Dictated and corrected by me


Sessions Judge
Bhojpur at Ara
18.04.2023