

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13525 of 2015

Arising Out of PS.Case No. -327 Year- 2011 Thana -BHOJPUR COMPLAINT CASE District-
BHOJPUR

- =====
1. Mahesh Choudhary son of Brij Choudhary
 2. Dipak Kumar Singh, son of Ram Bahal Singh
 3. Babloo Singh, Son of Nageshwar Singh
 4. Ramjee Singh, son of Late Saryu Singh
 5. Rajesh Singh, Son of Ramjee Singh
 6. Sudarshan Singh, son of Late Hakait Singh
 7. Satrugan Singh, Son of Late Layek Singh
 8. Sita Ram Singh, Son of Vanshlochan Singh
All resident of village- Englishpur, P.S.- Koilwar, District- Bhojpur
 9. Birendra Prasad Yadav, Asstt. Sub Inspector, Koilwar Police Station-
Koilwar, District- Bhojpur
 10. Maheshwar Prasad Singh, Incharge of Police Station Koilwar, Koilwar,
District- Bhojpur

.... Petitioner/s

Versus

1. The State of Bihar
2. Kanchan Devi W/o Dipak Kumar Singh resident of village- Ekauna,
P.S.- Udwant Nagar, District- Bhojpur

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Madan Jeet Kumar

For the Opposite Party/s : Mr. A.M.P. Mehta (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

03/ 08-09-2015

Heard learned counsels for the petitioners

and the State.

The petitioner no. 2 Deepak Kumar Singh
being the husband of the complainant and petitioner nos. 1 and 3
to 10 being the family members and co-villagers of petitioner no.
2 are apprehending their arrest in a complaint wherein processes
have been directed to be issued after cognizance being taken for

the offences punishable under Sections 217, 354, 355, 327, 330 and 149 of the Indian Penal Code.

The prosecution case is that earlier the complainant was married with petitioner no. 2 Deepak Kumar Singh but subsequently Complaint Case No. 2426(C) of 2010 was filed making accusation under Section 498A of the IPC which ended into compromise, but all the accused persons came and assaulted the complainant and got forcibly married with one Sonu Kumar. On instruction of police officers their signature were taken on two bond papers and accused persons took away the belongings of the complainant.

It appears that notices were issued to opposite party no. 2 vide order dated 07.05.2015 but house service of ordinary process of notice was effected since she was not available. Though, the registered cover returned un-served with report of the Postal Peon that O.P. No. 2 is not available on the given address when the notices were transmitted on the address mentioned in the complainant. In the circumstances, the notices issued are treated as deemed valid service.

It is submitted by learned counsel for the petitioners that the complainant has performed second marriage with Sonu Kumar and in order to conceal her misdeed she has

filed the present complaint. Moreover, the marriage between petitioner no. 2 and the complainant has been dissolved with mutual consent vide judgment dated 11th May, 2012 passed by learned Principal Judge, Family Court, Bhojpur at Ara in Matrimonial Case No. 237 of 2011. The same has been brought on record as Annexure-3.

Considering the aforesaid facts, let the above named petitioners be released on anticipatory bail in the event of their arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Bhojpur at Ara in connection with Complaint Case No. 327(C) of 2011, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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