

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21364 of 2015

Arising Out of PS. Case No. -281 Year- 2014 Thana -MAHNAR District- VAISHALI(HAJIPUR)

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Brajesh Kumar Singh Son of Ram Birendra Singh resident of village -
Chamarahra, P.S. - Mahnar, District - Vaishali.

.... Petitioner.

Versus

The State of Bihar.

.... Opposite Party.

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Appearance :

For the Petitioner/s : Mr. Ganesh Prasad Singh, Advocate.

For the Opposite Party/s : Mr. Manoj Kumar(A.P.P.)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 09-07-2015

Heard learned counsel for the petitioner and the
State.

The petitioner is apprehending his arrest in a case
instituted under Sections 315, 328, 379, 509, 494, 498 (A)/34 of
the Indian Penal Code.

The prosecution case, in short, is that the
informant/complainant Nirma Singh @ Nirma Sharma was
married with petitioner no. 1 Brajesh Kumar Singh on 16.3.2010
and after marriage she went to her sasural but the accused persons
started torturing and assaulted her and ousted from the house on
22.11.2012. Thereafter the complainant lodged Mahnar P.S. Case
No. 155/12 but the accused persons got released on bail with
assurance to keep the complainant with full honour and dignity but
after releasing on bail the accused persons again started to commit



torture upon complainant and threatened to perform second marriage of her husband. It is further alleged that husband of complainant performed second marriage. The complainant became pregnant and her husband took her to Noida, U.P. for treatment and he tried to terminate her pregnancy on 19.8.2012, the complainant reached her sasural village Chamarhara but all the accused persons did not allow her to enter in the house and abused her and threatened to kill. The accused persons kept all her ornaments.

On behalf of the petitioner, it has been submitted that for the same offence a second case has been instituted upon him. It has further been submitted that as per the first case which was instituted, wherein he has already been granted bail by the Hon'ble High Court vide Cr. Misc. No. 14875 of 2014, dated 18.03.2015. It has further been submitted that the present case has been instituted only with an intention to falsely implicate the petitioner for the same offence.

On behalf of the State, it has been submitted that the petitioner is being husband.

Considering the aforesaid facts and circumstances, as for the same offence this is the second case instituted by the informant, let the above named petitioner, in the event of his arrest

or surrender in the Court below within a period of four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Mahnar P.S. Case No. 281 of 2014, subject to the conditions as laid down under Sections 438 (2) of the Cr.P.C..

(Sudhir Singh, J.)

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