

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10631 of 2012
Arising out of C.R.No.-1157 Year 2004 District-Darbhangha

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Raju Shankar Singh @ Raju Kumar @ Raju Roy, S/O Sri Indradev Singh @
Indradev Roy, R/O Vill-Chaumukh, P.S.Bochahan, Distt-Muzaffarpur

.... Petitioner/s

Versus

1. The State Of Bihar
2. Kanchan Kumari, Daughter of Late Chandrika Choudhary, present
address Village-Rampura, P.S.-Singhwara, District-Darbhangha

.... Opposite Party/s

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Appearance :

For the Petitioner : Mr. Upendra Kumar Chaubey, Advocate
For the Opposite Party : Mr. Anil Prasad Singh (APP)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

6 10-11-2015 Heard learned counsel for the petitioner and the

learned counsel appearing on behalf of the State.

The petitioner is apprehending his arrest in
connection with C.R. No.1157 of 2004, corresponding to Tr.
No.754/2011 for allegedly having committed the offence under
Sections 323, 498A of the Indian Penal Code and Section 3/4
of the Dowry Prohibition Act.

Learned counsel for the petitioner submits that the
complainant in the present case has been evading notice and as
such, this case stood dismissed as against her. However, with
regard to the merits of the case, learned counsel submits that
the petitioner is a married man and is not at all concerned with



the complainant. He submits that he was already married in the year 1997 itself and from the said marriage he has twin sons born in the year 2000 and thereafter another daughter born in the year 2005. He further submits that the petitioner and his wife and their family are living in harmony and the complainant at the behest of her brother-in-law has filed the present case only to malign and humiliate him. Learned counsel for the petitioner submits that there are several documents to prove that he has already been married from before and the present complainant has no role whatsoever in his life.

In view of the fact that the present complainant cannot be treated as in the category of his wife, even if her case of being the second wife as alleged is accepted, the provisions of Section 498A of the I.P.C. cannot be attracted as such.

In view of the aforesaid facts and circumstances, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, 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 the learned Sub-Divisional Judicial Magistrate,

Darbhanga, in connection with C.R. No.1157 of 2004, corresponding to Tr. No.754/2011, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjana Mishra, J)

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