

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44405 of 2015

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1. Suraj Kumar Jaiswal @ Suraj Kr. Jaiswal S/o Om prakash Choudhary
Village Maheshpur P.S Pipra Dist Supaul.

.... Petitioner/s

Versus

1. The State of Bihar
2. Pratibha Jaiswal D/o Nathuni Prasad Choudhary Rahis Muhalla Nagar
Parishad ward no. 9 Supaul, west of Swaraj tractor agency Post+ P.S. +Dist-
Supaul.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijay Shankar Choubey, Adv.

For the Opposite Party/s : Mr. M. K. Khare (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 27-11-2015 Heard both sides.

The petitioner apprehends his arrest in Supaul (Mahila)
P.S. Case No. 117/14, registered for the offences punishable under
Section 498A, 493, 504, 506 and 323 of the Indian Penal Code.

The informant alleged that she was earlier married to
Ashok Kumar Choudhary, but her marital life was not good.
Subsequently, she lived with the petitioner after solemnizing
marriage.

It is submitted that the informant came with the
petitioner on the occasion of marriage of her brother-in-law. She
was subjected to torture and was driven out from the house.

It is further submitted that there is no evidence to show

that the petitioner was married with the informant after first marriage with Ashok Kumar Choudhary. The informant earlier filed a complaint case bearing no. 670/14 on 16.04.2014 and almost on the same and similar allegation the present FIR is lodged on 15.11.2014.

Learned counsel for the informant however opposed prayer for bail and submitted that the informant gave birth to a child and she married with the petitioner in Delhi.

It appears that the informant was earlier married to Ashok Kumar Choudhary, but during subsistence of first marriage the informant is said to have solemnized marriage with the petitioner and started living with the petitioner in Delhi. Prior to lodging of the present case the informant also lodged complaint case bearing no. 670/2014 on 16.04.2014 and on same and similar allegation the present case is filed.

Considering the facts aforesaid, the petitioner, 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, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Shri S. Ram, learned Judicial Magistrate, Supaul in connection with Supaul (Mahila) P.S. Case

No. 117/14, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Prabhat Kumar Jha, J.)

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