

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12100 of 2015

Arising Out of PS.Case No. -1229 Year- 2013 Thana -PURNIA COMPLAINT CASE District-
PURNIA

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Suman Yadav @ Suman Kumar Yadav Son of Sachida Nand Yadav
Resident of Matali, P.S. Rupouli, District Purnea.

.... Petitioner

Versus

1. The State of Bihar
2. Punam Devi D/o Chhauwalal Mahaldar, R/o - Mateli Narla Chakla P.S.
Rupauli, Distt- Purnea.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Mukesh Kumar Jha, Advocate.

For the Opposite Parties : Mr. Dr. Indivar Kumari (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 08-10-2015 Heard both sides.

The petitioner apprehends his arrest in a case registered
for the offence punishable under Sections 498(A) of the Indian
Penal Code.

Punam Devi the complainant made allegation against
the petitioner that the petitioner solemnized marriage with her and
thereafter the petitioner subjected her to physical and mental
torture due to non-fulfillment of demand of dowry.

It is submitted that Punam Devi is not the wife of the
petitioner. She is wife Puran Tiwar @ Puran Mandal. Earlier the
complainant filed Rupouli P.S. Case No. 29 of 2013 under
Sections 323, 504, 506, 376 and 498(A) of the Indian Penal Code



against the petitioner Suman Yadav @ Suman Kumar Yadav and others. The police after investigation submitted final form finding the case false. The police found that Punam Devi was married with Puran Tiwar @ Puran Mandal but Puran Tiwar @ Puran Mandal went in jail, thereafter, Punam Devi fled away along with the petitioner and live with the petitioner in Punjab and solemnized marriage there. But the first marriage of the complainant is still subsisting.

Learned counsel for the complainant as well as the learned APP vehemently opposed the prayer for bail and submits that the petitioner solemnized marriage with the complainant in a temple and the complainant also gave birth of two children. Now the petitioner is reluctant to keep the complainant.

Having considered the facts aforesaid and the fact that the complainant was earlier married with Puran Tiwar @ Puran Mandal, but during subsisting of her first marriage she went along with the petitioner and no proof of marriage with the petitioner is presented, 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, 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 the Learned Sub-Divisional Judicial Magistrate, Purnea in Complaint Case No. 1229 of 2013, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Prabhat Kumar Jha, J.)

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