

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24789 of 2015

Arising Out of PS.Case No. -822 Year- 2010 Thana -PATNA COMPLAINT CASE District-
PATNA

- =====
1. Shankar Paswan S/o Late Ram Prasad Resident of village - Govindpur, Near Poonpoon Pool (Devi Sthan), P.S. Fatuha, District - Patna
 2. Raushan Devi W/o Shankar Paswan, D/o Shri Sonam Lal resident of village - Bhutnath (Raghapur), P.S. Raghapur, District - Vaishali at present Mohalla Govindpur, Near Poonpoon Pool (Devi Sthan), P.S. Fatuha, District - Patna
 3. Sonam Lal @ Sonam Paswan S/o Shisheswar Paswan resident of village - Bhutnath (Raghapur), P.S. Raghapur, District - Vaishali

.... Petitioner/s

Versus

1. The State of Bihar
2. Manju Devi W/o Shankar Paswan of village - Govindpur, Near Poonpoon Pool (Devi Sthan), P.S. Fatuha, District - Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Bhartee, Adv.
For the Opposite Party/s : Mr. Shailendra Kr.Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

8 18-05-2016 Notices were issued to opposite party no.2 vide order dated 08.07.2015 but since neither the service report of ordinary process nor the registered cover was received, hence fresh notices were issued on 03.12.2015. The office note dated 18.03.2016 reflects that ordinary process of notice has been received by lawyer appearing on behalf of opposite party no.2 before the learned court below through the office of learned court below but opposite party no.2 has not appeared, hence, ultimately 3rd time, notices were issued to opposite party no.2 vide order dated

28.03.2016. The office note dated 17.05.2016 reflects that notices have been returned unserved as opposite party no.2 had gone out to her daughter's house.

In the circumstance, notices issued to opposite party no.2 be deemed to be validly served, hence the matter is being taken up on merits.

The petitioner no.1 being the husband of the complainant, petitioner no.2 being the second wife of petitioner no.1 and petitioner no.3 being the brother of petitioner no.2 are apprehending arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Sections 324, 341, 498A and 120B of the Indian Penal Code.

The basic accusation is of torture.

It is submitted by learned counsel for the petitioners that the petitioner no.1 admits his marriage with the complainant and birth of six female children and out of them three have already been married. It is further submitted that since there was no male issue the petitioner no.1 performed second marriage with the consent of the complainant. It is further submitted that the complainant is residing in the house of the petitioner no.1 and the petitioner no.1 is ready to keep her as wife with full dignity and

honour, statement to that effect has been made in para 14 of the petition which reads as follows:-

“That the petitioner no.1 was/is always ready to keep the complainant with full honour and respect. He is maintaining his wife O.P. No.2 and the unmarried daughters. He already got his three daughters married.

The aforesaid facts constitute good ground for consideration of prayer for regular bail.

Let the learned court below consider the prayer for regular bail of the petitioners if they surrender within a period of six weeks in connection with Complaint Case No. 822 of 2010 pending in the court of learned JM, 1st Class, Patna City.

Accordingly, the application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

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