

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50596 of 2015

Arising Out of PS.Case No. -656 Year- 2014 Thana -LAKHISARAI District- LAKHISARAI

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1. Arvind Kumar @ Arvind Kumar Choudhary @ Arvind Choudhary son of Rameshwar Choudhary @ Ramishwar Choudhary Resident of Village - Kaurnawan Bazar, P.S. - Bena, District - Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Soni Kumari @ Soni Devi W/o Arvind Kumar Choudhary D/o Bado Yadav resident of Mohalla - Badi Dargah, Ward No. - ,P.S. + District - Lakhisarai, Present Address - W/o Manoj Yadav, Village - Dharhara, P.S. - Silaw, District - Nalanda.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhim Sen Prasad, Advocate

For the Opposite Party/s : Mr. Dr. Ravindra Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

05 07-04-2016

Heard learned counsel for the petitioner and the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 498A, 494, 323, 376, 315, 493, 406/34 of the Indian Penal Code.

Notices were issued to opposite party no. 2 vide order dated 03.11.2015, but the same could not be served as she was not found on the address given, then fresh notices were issued on 18.01.2016. The notices were sent on the address given by the opposite party no. 2 in the First Information Report, but the office note dated

09.03.2016 reflects that the opposite party no. 2 did not reside there. Under the circumstances, the notices issued to opposite party no. 2 be treated as deemed to be valid service of notice.

The prosecution case is that the informant Soni Kumari @ Soni Devi claims to be married with one Manoj Yadav. Subsequently marriage was dissolved. Thereafter, while she was working at Beauty Parlour, the petitioner came and on promise of marriage, established physical relationship, thereafter married with the informant. But it is submitted that thereafter relation got spoiled and the petitioner got the pregnancy of the informant terminated by administering some medicine to her.

It is submitted by the learned counsel for the petitioner that petitioner is a married person as he got marriage with Jyoti Rani and there is no proof of marriage between the informant and the petitioner. Statement to that effect has been made in para-8 of the petition which reads as follows:-

“That further it is humbly stated and submitted that the petitioner Arvind Kumar Choudhary has got marriage with one Jyoti Rani D/o Sri Umesh Choudhary, Village and P.S.- Katni Kunda, Dumka, Jharkhand on 10.02.2012 and she is only his legally wedded wife, no one another.”

Considering the fact that the informant

choose not to appear in stead of notices being issued twice. Though, it appears from the record that she has filed an application under Section 125 of the Cr.P.C before the learned court below claiming maintenance. There is nothing on record to substantiate the major accusation, let the above named petitioner be released on bail in the event of his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Lakhisarai in connection with Lakhisarai P.S. Case No. 656 of 2014, subject to conditions as laid down under Section 438(2) of the Indian Penal Code.

(Dinesh Kumar Singh, J)

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