

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47781 of 2012

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Nikesh Kumar Verma S/O Late Sharda Nand Prasad Verma

.... Petitioner/s

Versus

The State Of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Sumiran Rai, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

9 22-09-2016 Heard learned counsels for the petitioner and the State.

However, none appears for opposite party no.2.

The petitioner is apprehending arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Sections 498A, 323 and 504 of the Indian Penal Code.

Basic accusation is of torture and making assault.

It is submitted by learned counsel for the petitioner that the petitioner was neither married to the sister of the complainant Mira Kumari nor was known to her. A statement to that effect has been made in paragraph nos.9 and 10 of the petition, which reads as under :-

"9. That the petitioner has never married with the sister of the sister of the complainant and he does not know her.

10. That the complainant's sister never visited and resided in the house of the petitioner and story of marriage and torture is false and baseless."

It is further submitted that the complainant has set up a fake lady claiming herself to be his sister. A statement to that effect has been made in paragraph no.11 of the petition, which reads as under:

"That the complainant has set up a fake lady Mira Kumari as his sister and there is no question of her marriage."

Notices were issued to opposite party no. 2 Mira Kumari vide order dated 05.02.2016. Thereafter fresh notices were issued vide order dated 01.07.2013 and 05.03.2013 and thereafter the application stood dismissed against opposite party no.2 due to none filing of requisites for issuance of notice in pursuance to order dated 05.02.2013. But ultimately the application was restored and thereafter the co-ordinate Bench directed for substituted service of notice by publishing it in any of the local leading newspaper. In pursuance to the same notices were published in English newspaper 'Hindustan Times' but in spite of that Mira Kumari failed to appear. Today also none is appearing on behalf of opposite party no.2.

Considering the fact that the factum of marriage is being

denied by the petitioner and in spite of substituted service of notice the opposite party no.2 chose not to appear, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Patna, in connection with Complaint Case No.1579 C/2011, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Ashwini/-

(Dinesh Kumar Singh, J)

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