

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.36800 of 2015

Arising Out of PS.Case No. -44 Year- 2015 Thana -NARAINPUR District- BHOJPUR

Tarkeshwar Prasad Soni Son of Late Rameshwar Sonar @ Rameshwar Singh resident of village - Narayanpur, Police Station - Narayanpur, in the district of Bhojpur

.... Petitioner/s

Versus

1. The State of Bihar
2. Smt. Soni Devi Wife of Tarkeshwar Prasad Soni and daughter of Ashok Sao Presently residing in village Bhadwad, Police Station Chandi, in the district of Bhojpur

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prabhu Narayan Sharma

For the Opposite Party/s : Mr. C.Sen Pd.Singh(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

05/ 12-07-2016

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the informant is apprehending his arrest in a case registered for the offences punishable under Sections 341, 323, 498A, 494 and 504/34 of the Indian Penal Code.

The basic accusation is of torture for non-fulfillment of demand of motorcycle and performing second

marriage.

Notices were issued to the informant-opposite party no. 2 vide order dated 27.08.2015. The office report dated 07.04.2016 reflects that the ordinary process of notice was effected through house service by way of affixing the notice on the door of the informant. Thereafter, vide order dated 08.04.2016 fresh notice was issued to opposite party no. 2. The office report dated 01.07.2016 reflects that again ordinary process of notice was effected through house service, though, registered cover of notice were not served. In the circumstances, vide order dated 04.07.2016 the notices issued to opposite party no. 2 were directed to be treated as deemed valid service. Today also none is appearing on behalf of opposite party no. 2.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the informant and birth of a child, though, the petitioner has performed second marriage.

Considering the fact that the informant chose not to appear, it is a case for consideration of prayer for regular bail, if the petitioner surrenders before the learned court below within a period of six weeks from today in connection with Narayanpur P.S. Case No. 44 of 2015 pending in the court

of learned Judicial Magistrate, Ist Class, Bhojpur at Ara.

With the aforesaid observation, this application is disposed of.

(Dinesh Kumar Singh, J)

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