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IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8456 of 2016

Arising Out of PS.Case No. -2280 Year- 2013 Thana -SAMASTIPUR COMPLAINT CASE District- SAMASTIPUR

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Satto Rai @ Satto Yadav, Son of Late Bhuwan Rai, Resident of Village – Shibu Tola, P.S.- Bchwara, District – Begusarai.

.... Petitioner

Versus

1. The State of Bihar
2. Kiran Devi, W/O Satto Rai, Resident of Village – Loknathpurganj, P.S.- Dalsingsarai, District – Samastipur.

.... Opposite Parties

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Appearance :
For the Petitioner : Mr. Amitabh Bhardwaj, Advocate.
For the Opposite Parties : Mr. Anil Kumar Singh 1(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 15-07-2016 Heard learned counsel for the petitioner, learned APP for the State and learned counsel for the informant.

The petitioner apprehends his arrest in C.R. Case No. 2280 of 2013 registered for the offences punishable under Sections 493, 496, 497 and 323 of the Indian Penal Code and under Sections 3(xii) of the SC/ST Act.

The complainant alleged that she was married to Santosh Kumar Raut about 12 years ago and she used to sell fruits and vegetables for earning her livelihood. But the petitioner used to come in her house and got intimation with the husband of the complainant. She further alleged that the petitioner established physical relationship with her and drove out her husband and children, thereafter married with the complainant in a temple. The complainant made allegation of torture.

Learned counsel for the petitioner submits that the petitioner is working in railway workshop. He never solemnized marriage with the complainant. The complainant is already a legal wife of Santosh Kumar Raut.

Learned counsel for the informant, however, opposed the prayer for anticipatory bail of the petitioner.

It appears that the complainant stated that she was earlier married to Santosh Kumar Raut, but the petitioner established physical relationship with her and the complainant did not raise any objection.

Considering the facts aforesaid and nature of allegation, 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 Chief Judicial Magistrate, Samastipur in C.R. Case No. 2280 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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