

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7289 of 2016

Arising Out of PS.Case No. -310 Year- 2012 Thana -MADHEPURA COMPALINT CASE District-
MADHEPURA

- =====
1. Balbir Kumar Singh S/o Late Upendra Narayan Singh
 2. Ranjana Devi @ Ranjan Devi W/o Balbir Kumar Singh
Both resident of village- Shakarpura, P.S. + District- Madhepura, At
present Mohalla- North of Aerodrome, Pashupalan Colony, Saharsa,
P.S. + District- Saharsa

.... Petitioner/s

Versus

1. The State of Bihar
2. Nilam Devi, Wife of Balbir Kumar Singh, Daughter of Late Kameshwar
Prasad Singh,
Resident of village- Israin Kala, P.s.- Kumarkhand, District- Madhepura

.... Opposite Party/s

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with

Criminal Miscellaneous No.20369 of 2016

Arising Out of PS.Case No. -31 Year- 2016 Thana -MADHEPURA District- MADHEPURA

- =====
1. Balbeer Singh Son of Late Upendra Narayan Singh
 2. Ranjana Devi @ Ranjan Singh W/o Balbeer Singh
Both resident of village - Sakarpura, P.S. Bharrahi (O.P.), District -
Madhepura At Present Pashupalan Colony, North of Hawai Adda, Near
Police Line, Saharsa, P.S. + District - Saharsa

.... Petitioner/s

Versus

1. The State of Bihar
2. Nilam Devi Wife of Balbir Singh
resident of village - Sakarpura, P.S. Bharrahi (O.P.), District -
Madhepura

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.7289 of 2016)

For the Petitioner/s : Mr. Pramod Mishra, Advocate

For the Opposite Party/s : Mr. Pushpa Sinha(APP)

(In Cr.Misc. No.20369 of 2016)

For the Petitioner/s : Mr. Pramod Mishra, Advocate

For the Opposite Party/s : Mr. Sanjay Kr.Panday(APP)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER



12 23-02-2017 Heard learned counsels for the petitioners, informant and the State.

In Criminal Miscellaneous No. 7289 of 2016 petitioner no.1 being husband of the complainant and petitioner no.2 being second wife of petitioner no.1 are apprehending arrest in a case registered for the offences punishable under Sections 494 and 498A of the Indian Penal Code. In Criminal Miscellaneous No.20369 of 2016, the same petitioners are apprehending arrest in a case registered for the offences punishable under sections 420, 467, 468, 471, 120B and 34 of the Indian Penal Code.

In Criminal Miscellaneous No.7289 of 2016, the prosecution case is of torture and performing second marriage. In Criminal Miscellaneous No.20369 of 2016, the prosecution case is that the informant-complainant got married with the petitioner about 37 years prior to lodging of the present case and from the wedlock a son was born, but after five years of marriage petitioner no.1 performed second marriage with petitioner no.2., and made second wife as nominee in service book for payment of retiral benefits.

The matters were adjourned since last several months for allowing the parties to resolve the issue.

It is submitted by learned counsel for the petitioners



that petitioner no.1 admits his marriage with the informant-complainant and birth of a male child. Petitioner no.1 got married with petitioner no.2 about more than 30 years prior to lodging of the present case. In the service book still the informant-complainant is the nominee and petitioner no.1 undertakes not to change the same.

A supplementary affidavit has been filed by the petitioners stating therein that petitioner no.1 is ready to compromise the dispute and ready to make payment of Rs.4,00,000/- (rupees four lacs) lump sum amount and Rs.5000/- per month from the date of his retirement i.e. March, 2014 to the informant. The pension papers of petitioner no.1 have not been processed, hence, petitioner no.1 expects that the informant-complainant will cooperate in getting pension papers processed. The petitioner will make payment of the lump sum amount of Rs.4,00,000/- as well as arrears of monthly payment within a period of two weeks from the date of receiving of the retiral benefits.

Learned counsel for the informant appearing in both the matters and submits that the informant-complainant is not controverting this fact that petitioner no.1 performed marriage with petitioner no.2 about 30 years ago but she got aggrieved



when an attempt was made to make petitioner no.2 as nominee in service book of petitioner no.1. However, at the present, she is ready to accept the offer of petitioner no.1 and undertakes to co-operate in getting the pension papers prepared. On this ground, learned counsel for the informant is not opposing the prayer for bail of the petitioners, at present, but submits that the informant is apprehensive due to the past conduct of petitioner no.1.

Learned counsel for the petitioners further submits that petitioner no.2 undertakes to abide by the undertaking given by petitioner no.1 before this Court.

Considering the present stand of the parties, keeping in view of the fact that the thrust of accusation is against petitioner no.1 and the accusation has been levelled after 30 year of second marriage between petitioner no.1 and 2, in order to save the informant-complainant from destitution and vagrancy with a lurking hope that the issue may reconcile in future, let the above named petitioners, in both the cases, 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) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Madhepura in connection with Complaint Case No.310



of 2012 (in Criminal Miscellaneous No.7289/2016) and to the satisfaction of learned CJM, Madhepura in connection with Madhepura P.S. Case No.31/2016 (in Criminal Miscellaneous No.20369 of 2016), subject to the conditions as laid down under Section 438(2) Cr.P.C.

Either side will be at liberty to file appropriate application before this Court in case of breach of terms of agreement.

(Dinesh Kumar Singh, J)

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