

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5897 of 2017

Arising Out of PS.Case No. -121 Year- 2015 Thana -PARIHAR District- SITAMARHI

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Ram Sohan Rai son of Late Ram Brichh Rai R/o Village - Parsandi, P.S. -
Parihar, District - Sitamarhi.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Ashok Kumar Jha, Advocate

For the Opposite Party : Mr. Rajendra Singh Shastriji, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 15-02-2017

Heard.

The petitioner is in custody in connection with Parihar P.S.Case No.121 of 2015 registered for an offence under Section 323 and 498A of the IPC.

As per complaint petition, the complainant was married with Ram Janam Rai on 02.07.2007 and from the said wed-lock she was blessed with a son on 21.07.2008. The complainant has alleged that her husband and in-laws started torturing her for which she lodged a police case bearing Parihar P.S.Case No.07 of 2015. The case was compromised and as per compromise, the younger brother of her husband married the complainant, as her husband had become mentally sick. She further alleged that after marriage with her Dewar, he demanded



dowry and she was ousted from her matrimonial house.

Learned counsel for the petitioner submits that no marriage actually took place with the complainant. She is a legally married wife of his elder brother and without decree of divorce with her husband, marriage is not possible with the complainant. The petitioner is in custody since 15.09.2016. He further submits that in earlier police case, she has not alleged about the mental condition of her husband and only to grab his property, she has falsely lodged the case against him.

However, learned APP opposed the prayer for bail.

Considering the aforesaid facts and circumstances, the above named petitioner is directed to be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of CJM, Sitamarhi in connection with Parihar P.S.Case No.121 of 2015.

(Sanjay Kumar, J)

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