

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44508 of 2016

Arising Out of PS.Case No. -43 Year- 2016 Thana -PATNA CITY CHOWK District- PATNA

- =====
1. Sunny Kumar s/o Om Prakash Resident of Mohalla - Ghasiyari Tola, P.S. - Chowk, District - Patna.
 2. Deepak Kumar son of Surendra Prasad Resident of Mohalla - Fasad Ka Maidan, P.S. - Chowk, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. Aishwarya Kumari

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anjani Kumar Sinha
For the Opposite Party/s : Mr. J.N. Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 28-01-2017 Heard learned counsels for the petitioners, informant and the State.

The petitioners are apprehending arrest in a case initially registered for the offences punishable under Sections 366,323,341,379,385,420 and 120B of the Indian Penal Code which was later on converted under sections 323,341,385,120B and 498A/34 of the Indian Penal Code.

It is submitted by the learned counsel for the petitioners that petitioner no. 1 Sunny Kumar has been arrested in Chowk P.S. Case No. 221 of 2016 lodged by the sister of the informant of the present case. Hence, learned counsel for the petitioner seeks



permission to withdraw this application enabling him to pray for regular bail so far as it relates to petitioner no. 1 but in view of the interim order he has not been remanded in the present case. Accordingly, the application with regard to petitioner no. 1 Sunny Kumar is dismissed as withdrawn.

Prosecution case is that Sunny Kumar along with his friends Sushil Kumar Sinha, Hari Om Kumar, Pappu Kumar and petitioner no. 2 used to threaten the informant to solemnize marriage with him and on 14.8.2015 the accused persons took the informant to the office of the Registrar and after forceful marriage got the marriage certificate issued.

It is submitted by learned counsel for the petitioners that the marriage was registered on 14.8.2015 before Registrar, Marriage at Patna City whereas the present FIR was registered on 2.3.2016 which reflects the malicious nature of prosecution. Moreover, the informant was major on the date of registration of marriage. The claim of Sunny Kumar is that he married with the informant with her consent which gets reflected from the marriage certificate and is ready to keep her as wife with full dignity and honour. Statement to that effect has been made in paragraph 13 of the petition which reads as follows:

“That it is submitted that the Petitioner No.1 has



solemnized marriage with the informant, she is his wife. He wants to give love, Honour and full dignity to his wife and for that he wants to live with her. He does not want any sort of enmity or litigation with his in-laws. He has full honour and respect for his in-laws, he wants cordial relations with them but due to misbehaviour and assault he was compelled to institute the said complaint case. The parents of petitioner No.1 are also ready to have cordial relations with the parents and family members of the informant. They have accepted the informant as their daughter-in-law.”

It is further submitted that the thrust of accusation is against Sunny Kumar and the accusation against petitioner no. 2 and other friends of Sunny Kumar is omnibus and general. More over, similarly situated other friends of Sunny Kumar have been granted anticipatory bail vide Cr. Misc. No. 24329 of 2016.

Learned counsel for the informant does not controvert the submissions of learned counsel for the petitioners.

In the circumstances, let the above named petitioner no. 2 Deepak Kumar be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned JM Ist Class, Patnacity, in connection



with Chowk P.S. Case No.43 of 2016 subject to the conditions as
laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

Anil/-

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