

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25500 of 2017

Arising Out of PS.Case No. -820 Year- 2016 Thana -BANKA District- BANKA

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Durgesh Singh, son of Shekhar Prasad Singh, resident of village –
Karharia, P.S. & District – Banka.

.... Petitioner

Versus

1. State of Bihar
2. Kajal Kumari Arya, daughter of Sri Brij Nandan Sharma at
present resident of New Colony, Bageshwari, P.S. – Delha,
District – Gaya.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Md. Nurul Hoda, Advocate

For the Opposite Party/s : Dr. Rabindra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5. 04-10-2017 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

Earlier, while granting provisional bail to the
petitioner vide order dated 08.06.2017, this Court had
issued notice to the Opposite Party No. 2 by both modes.
A further direction was issued that the petitioner and
Opposite Party No. 2 would present themselves for
mediation in the Mediation Cell of this Court, where
efforts will be taken to resolve the dispute.

As per office report, the ordinary notice has
been hung on the front door of the house of Opposite



Party No. 2 in her absence. The notice sent by registered post was returned unserved by postal peon with report “refused to receive hence returned”.

As directed, the petitioner filed an affidavit stating that to his knowledge the current address of Opposite Party No. 2 has been rightly provided, the same is the residential address of her father where she was brought from the house of the petitioner by her father and others when the petitioner was in jail in this case. The Opposite Party No. 2 for her unknown reasons has not participated in the mediation nor has appeared before this Court. The petitioner has surrendered in the court below and a second supplementary affidavit has been brought on record with the surrender slip. In these circumstances, the matter has been taken up today for disposal.

The petitioner is seeking regular bail in connection with Banka P.S. Case No. 820/2016 for the offences under Section 341, 323, 498A, 379 & 504/34 of the Indian Penal Code read with Section 3/4 of the Dowry Prohibition Act, pending in the court of learned Chief



Judicial Magistrate, Banka.

Learned counsel for the petitioner submits that a bare perusal of the First Information Report would show that there are general and omnibus allegation against the petitioner. He further submits that from perusal of the impugned order itself, it would appear that one of the submissions on behalf of the petitioner was that as a matter of fact the informant has solemnized second marriage with another person.

Considering the facts and circumstances of the case, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Banka, in connection with Banka P.S. Case No. 820/2016, subject to condition as laid down under Section 437(3) of the Code of Criminal Procedure.

(Rajeev Ranjan Prasad, J.)

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