

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20613 of 2017

Arising Out of PS.Case No. -123 Year- 2016 Thana -MANSI District- KHAGARIA

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Chandan Devi @ Smt. Chandan Devi, wife of Anil Paswan, resident of Village- Sotari Bharna, Post- Kanp, Police Station- Saur Bazar, District- Saharsa.

.... Petitioner

Versus

1. The State of Bihar,
2. Ravindra Kumar, son of Late Mdeo Paswan, Resident of village-Ekania, P.O. Mansi, P.S. Mansi, District-Khagaria.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Raja Surendra Mohan

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

6 07-09-2017 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Mansi P.S. Case No. 123 of 2016, registered under Sections 406 & 506/34 of the Indian Penal Code.

The accusation is that on 15.08.2015, the petitioner approached to the informant to give Rs. Six lakhs for performing the marriage of his daughter showing his bad economic condition. Accordingly, on 17.08.2015 the informant transferred Rs. 5,70,000/- to his account on the assurance that he will return the money within two months, but in spite of passing over six month the petitioner did not return the said money. Thereafter, on 04.04.2016, informant sent legal notice, but the petitioner and his wife did not give any reply an both



wants to grab Rs. 5,70,000/-

Learned counsel for the petitioner submits that, in fact, the informant, who was already married with Hema Devi, proposed for his marriage to the Kajal Kumari, sister of the petitioner, thereafter, the marriage of informant was performed with Kajal Kumari and an affidavit was also sworn before the Public Notary, Saharsa by the informant and Kajal Kumari. Later on, first wife of the informant Hema Devi knowing about the re-marriage by the informant with Kajal Kumari concealing the first marriage filed the Khagaria Mahila P.S. Case No. 38 of 2014 on 13.10.2014, under Section 498(A) and 494 of the I.P.C. Later on, the petitioner and her sister showed their grievance about performing the marriage with Kajal Kumari then a Panchayati was convened and informant was ready for construction of house to Kajal Kumari due to that reasons Rs. 5,70,000/- was transferred by the informant to the account of petitioner as her sister had no account in the bank.

On the other hand, learned counsel appearing on behalf of informant submits that allegation of performing remarriage of the informant to Kajal Kumari, sister of the petitioner, concealing his first marriage with Hema Devi is false.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four 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 the Chief Judicial Magistrate, Khagaria in connection with Mansi P.S. Case No. 123 of 2016, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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