

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53668 of 2016

Arising Out of PS.Case No. -7 Year- 2013 Thana -LAXMIPUR District- JAMUI

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Kanhaiya Kumar Sharma @ Kanhaiya Prasad Sharma, Son of Rajendra Prasad Sharma, resident of Mohalla- Mafigali, Warisaliganj, P.S.- Warisaliganj, District- Nawada.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Chandani Kumari, Daughter of Kedar Prasad, resident of Village+ P.O.- Gidhaur, P.S.- Gidhaur, District- Jamui.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Wasi Ahmad Khan, Advocate,
For the Opposite Party/s : Mr. Shyam Kr. Singh (APP)

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

3 11-01-2017 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Laxmipur (Gidhaur) P.S. Case No. 07 of 2013 registered under Sections 366, 376, 379, 384, 406 and 120B of the Indian Penal Code.

The accusation of complainant/informant is that she came in touch with the petitioner at the house co-accused, Sonu Kumar and she fell in love with this petitioner. Thereafter, on 12.09.2012, she moved with this petitioner according to her own sweet will with educational certificate and cash without giving any



information to her parents. Thereafter, she lived one and half months at Patna City with this petitioner and during that period, petitioner developed physical relation with the informant on assurance to perform the marriage. When the complainant/informant came to know that the petitioner is already married person and he used to give pressure to perform the marriage but she did not ready, on which, this petitioner gave threatening of dire consequence to her family members then she came in fear. Thereafter, the petitioner got photographs and signature on several papers. In the meantime, Bikash Kumar, brother of informant, registered Sanha in Police Station regarding her missing.

Learned counsel for the petitioner submits that, in fact, complainant/informant perform the marriage with this petitioner according to her own sweet will but later on, under pressure of her parents, she lodged the present false case while petitioner had filed Cr.W.J.C. No. 1147 of 2012 for keeping his wife (complainant/informant), which was withdrawn with liberty to file application for restitution of conjugal right before appropriate forum. Thereafter, the petitioner filed Matrimonial Case No. 313 of 2012 in the court of Principal Judge, Nawada, on 21.12.2012 for restitution of conjugal rights, which would appear from



Annexure 6 of this petition, is pending for disposal.

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 six 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, Jamui, in connection with Laxmipur (Gidhaur) P.S. Case No. 07 of 2013, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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