

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42551 of 2016

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Ghanshyam Pandit, son of late Nunu Pandit, Resident of Village- Sonapur Bazar, P.S.- Narpatganj (Bathnaha), District- Araria

.... Petitioner/s

Versus

1. The State of Bihar

2. Srimati Fulo Devi, wife of Ghanshyam Pandit, Resident of Village- Sonapur Bazar, P.S.- Narpatganj (Bathnaha), District- Araria At Present:- Resident of Village-Kuwari- Deniya, P.S.- Kursakanta, District- Araria.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Singh

For the Opposite Party/s : Mr. Sri Satyendra Narayan Singh

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

8 14-07-2017 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Complaint Case No. 4064C of 2012 registered under Section 498A of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act and Section 31(i) and 31(3) of the Domestic Violence Act.

The allegation is that marriage of the complainant-opposite party no.2 was performed with the petitioner before 20 to 25 years ago and out of their wedlock there is one female child. After birth of female child petitioner along with his family members started to torture the complainant-opposite party no. 2



and driven out from her matrimonial house and perform the re-marriage with another lady. Thereafter, she filed an application under Section 12 Protection of Women from Domestic Violence Act, 2005 in the court of Sri A.K. Dixit, Judicial Magistrate Ist Class, Araria, in which, the order was passed to keep the complainant respectfully but the petitioner did not permit to live in his house.

Learned counsel for the petitioner submits that, in fact, complainant-opposite party no. 2 used to reside in Nepal since 17 years, this fact has come in course of proceeding under the Protection of Women from Domestic Violence Act in D.V. Case No. 02 of 2012, which was decided by the court of Sri A.K. Dixit, Judicial Magistrate Ist Class, Araria on 16.07.2012. Moreover, in spite of service of ordinary process through her counsel appearing in court below in complaint Case No. 4064C of 2012 none has turned up on her behalf.

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 Sub-Divisional Judicial



Magistrate, Araria, in connection with Complaint Case No.
4064C of 2012, subject to the condition as laid down under
Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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