

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54809 of 2018

Arising Out of PS. Case No.-48 Year-2018 Thana- NOWKOTHI GARHPURA District-
Begusarai

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Bablu Kumar, S/o Dilip Mahto R/o Village- Naokothi, P.S.- Naokothi,
District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Shubhesh Pandey, Advocate,
For the Opposite Party/s	:	Mr. S.N.P. Sinha, Sr. Advocate
	:	Ms. Rashmi Bharati, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 28-09-2018 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the Opposite party.

The petitioner is in custody since 20.6.2018 in connection with Naokothi P.S. case No. 48 of 2018 registered for the offence punishable under Section 498A/34 of the Indian Penal Code and 3/ 4 of the D.P. Act.

Learned counsel for the petitioner submits that the petitioner has no criminal antecedent. He further submits that on perusal of complaint, it appears that on 06.10.2018 marriage between informant and petitioner took place in Naulakha temple and thereafter allegation is levelled at the petitioner that he has tortured the informant. On behalf of the petitioner referring to Annexure-2, it is alleged that the informant was in wedlock with



Virendra Sahni and the divorce petition was filed by the informant against Virendra Sahni and the said divorce petition was dismissed suggesting amicable settlement between the parties out of Court. He submits that in view of the above the second marriage of Nisha Sharma is nullity as one spouse cannot join wedlock during the life time of the other spouse.

Mr. S.N.P. Sinha, learned Senior counsel for the informant submits that in fact, it is a case of Section 376 and as such petitioner does not deserve bail, the present case is standing against the petitioner under Section 498A of the I.P.C.

Considering the fact that there is dispute of validity of the marriage, let the petitioner named above to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the Learned S.D.J.M., Begusarai in connection with Naokothi P.S. Case No. 48 of 2018.

(Anil Kumar Upadhyay, J)

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