

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.63878 of 2018

Arising Out of PS. Case No.-145 Year-2018 Thana- SHEKHPURA COMPLAINT CASE
District- Sheikhpura

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Nirmala Devi, Wife of Sri Bankeshwar Singh @ Banke Singh, Resident of
Village- Lodipur, P.S.- Bind, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Ramanuj Prasad Singh, Son of Late Ramrup Singh, Resident of Mohalla-
Shivpuri, Barbigha, P.S.- Barbigha, District- Sheikhpura.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramakant Sharma, Sr. Adv.

For the O.P. No. 2 : Mr. Ajit Kumar, Adv.

For the Opposite Party/s : Mr. Sanjay Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 12-12-2018 Heard the learned counsels for the petitioner,

complainant/opposite party No. 2 and the State.

The petitioner seeks bail in anticipation of her
arrest connection with Complaint Case No. 145C of 2018,
which was filed under various sections of the I.P.C. including
Section 376(K), but cognizance has been taken under
Sections 420, 406, 494, 495 and 120B of the I.P.C.



The allegation in the F.I.R. lodged by the father (complainant/opposite party No. 2) of the victim girl is that the marriage of her daughter was fixed with the son of the petitioner and after some time the marriage was solemnized as well. However, later it was found out that the son of the petitioner was married one Khushbu Thakur from before and was continuing his relation with her as his legally wedded wife.

Mr. Ramakant Sharma, learned Senior Advocate for the petitioner has submitted that the complainant/opposite party No. 2 knew about the relationship of aforesaid Khushbu Thakur with the son of the petitioner, viz., Rajeev Bhardwaj and, therefore, the marriage was solemnized after full disclosure of all the facts which the informant knew. It has further been submitted that the complainant/opposite party No. 2 was satisfied with the assurance of the accused persons that Rajeev Bhardwaj (husband) would abandon Khushbu Thakur and would keep the daughter of the complainant/opposite party No. 2 as his legally wedded wife.



These grounds do not appeal to this Court.

The complainant/opposite party No. 2 has been cheated and the future of the daughter of the complainant/opposite party No. 2 has been spoilt beyond repairs.

Be that as it may, since the complaint, the solemn affirmation of the complainant/opposite party No. 2 and the deposition of the witnesses do not at all refer to the petitioner having taken part in any deliberations and the fact that the petitioner is a woman aged about 65 years, this Court is inclined to accord her the privilege of anticipatory bail.

Let the petitioner above named, in the event of her arrest or surrender before the learned Court below within a period of four weeks from the date of receipt/production of a copy of the present order, be released on bail on her furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sheikhpura, in connection with Complaint Case No. 145C of 2018,



subject to the conditions laid down under Section 438(2) of the Cr.P.C.

It is, however, made clear that this order may not be taken as a precedent and the other accused persons may not take advantage of this order on the grounds of parity.

(Ashutosh Kumar, J)

Praveen-II/-

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