

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.73450 of 2018

Arising Out of PS. Case No.-325 Year-2018 Thana- MUFFASIL District- West Champaran

1. Kundan Patel @ Kundan Kumar, Son of Sri Ashok Patel,
2. Ashok Patel @ Ashok Kumar, Son of Sri Durga Patel.
3. Chandan Patel @ Chandan Kr. Son of Sri Ashok Patel.
4. Parvati Devi, Wife of Sri Ashok Patel. All residents of Village- Banwa Tola, P.S. Bettiah Muffasil, District- West Champaran.
5. Indu Devi, Wife of Sri Shambhu Prasad.
6. Shambhu Prasad, Son of Late Lallan Prasad.
7. Guddu Patel @ Deepak Kumar, Son of Sri Shambhu Prasad,
8. Vicky Patel @ Vicky Kumar, Son of Sri Shambhu Prasad, the petitioner nos. 5 to 8 residents of Mohalla- Uttarwari Pokhara, P.S.- Bettiah Town, District- West Champaran.

... .. Petitioners

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma
For the Opposite Party/s : Mr. Ashok Kumar Singh

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA

ORAL ORDER

2 20-12-2018 Heard learned counsel for the petitioners as well as learned Additional Public Prosecutor for the State.

Petitioners apprehend their arrest in connection with Bettiah Muffasil P.S. Case No. 325 of 2018 registered for the offences punishable under Sections 323, 354, 504, 506, 379/34 of the Indian Penal Code.

The informant was a divorcee lady and subsequently, petitioner no. 1 established physical relation with her on the promise of marriage. However, after sometime petitioner no. 1



refused to marry with the informant. So far as remaining petitioners are concerned, they are said to have assaulted the informant and also snatched her belongings.

Learned counsel appearing for the petitioners submits that as a matter of fact, petitioner no. 1 and informant have already settled their dispute amicably and they have solemnized their marriage on 16.06.2018 at a temple and now, they are residing with each other. To fortify the aforesaid contention, he drew my attention towards Annexure 2 to this petition.

Considering the aforesaid facts and circumstances as well as submissions of the parties, it is ordered that petitioners no. 2 to 8, namely, Ashok Patel @ Ashok Kumar, Chandan Patel @ Chandan Kr., Parvati Devi, Indu Devi, Shambhu Prasad, Guddu Patel @ Deepak Kumar and Vicky Patel @ Vicky Kumar respectively, in the event of their arrest/ surrender within four weeks from the date of receipt of this order to the court concerned, shall be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, West Champaran, Bettiah in Bettiah Muffasil P.S. Case No. 325 of 2018, subject to conditions as laid down under Section 438(2) of the Cr.P.C.



So far as petitioner no. 1, namely, Kundan Patel @ Kundan Kumar is concerned, he is directed to surrender before the court below within six weeks from today and if he does so, the learned court below shall release the petitioner no. 1 on provisional bail fixing the amount of bail bonds on its own level for the period of one month and shall issue notice to informant to ascertain her presence and if the informant appears before the trial court and accepts the factum of compromise, the learned trial court shall confirm the provisional bail granted to the petitioner but if the informant denies the factum of compromise, the learned trial court shall decide the bail prayer of petitioner no. 1 on merit without being prejudiced by this order.

In the aforesaid manner, this petition stands disposed of.

(Hemant Kumar Srivastava, J)

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