

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10415 of 2019**

Arising Out of PS. Case No.-163 Year-2017 Thana- NALANDA COMPLAINT CASE
District- Nalanda

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Surerndra Kumar Bharti @ Surendra Paswan Son of Sri Singheshwar Paswan
Resident of village- Phaolhanwan, P.S- Harnaut , District- Nalanda

... .. Petitioner.

Versus

1. The State Of Bihar.
2. Nirmala Devi wife of Surendra Kumar Bharti resident of Village-
Phaolhanwan, P.S. Harnaut, District-Nalanda.

... .. Opposite Parties.

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Appearance :

For the Petitioner	:	Mr. Kumar Rajeev, Advocate.
For the State	:	Mr. Dashrath Mehta, A.P.P.
For the Informant	:	Mr. Ashok Kumar, Advocate.

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

3 10-05-2019 Heard learned counsel for the petitioner and the learned

A.P.P. for the State as also the learned counsel for the opposite party

no.2.

The petitioner apprehends his arrest in connection with

Complaint Case No.163(C) of 2017 registered under Sections

498(A), 323 and 504 of the Indian Penal Code.

The accusation is that the marriage of the opposite party
no.2 was performed with the petitioner in the year 2005. Thereafter,
the opposite party no.2 started leading her conjugal life with the
petitioner and she gave birth to a baby but baby died. Thereafter, the
opposite party no.2 was being tortured by the petitioner and other in-
laws for non fulfillment of the dowry demand of cash Rs.1,00,000/-



through various modes. Lastly, the opposite party no.2 was ousted from her matrimonial house by causing assault and snatching her personal belongings in the year 2016.

Learned counsel for the petitioner submits that, in fact, the marriage of the petitioner was performed with Sharda Devi in the year 1991 and the name of this petitioner has been shown as her husband in the voter I-Card of Sharda Devi, which would appear from Annexure-2 series to this application. As such, no question arises about performing the marriage by the petitioner with opposite party no.2 in the year 2005. Further submission is that there are three children of the petitioner due to wedlock with Sharda Devi.

Having considered the facts and the circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender by him within six weeks from today, be enlarged on bail on his furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate-V, Nalanda at Biharsharif, in connection with Complaint Case No.163(C) of 2017, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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