

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31191 of 2019

Arising Out of PS. Case No.-337 Year-2018 Thana- CHAINPUR District- Kaimur (Bhabua)

1. SANJAY RAM Son of Rampyare Ram Resident of Village Nandgaon-Suhawal, P.S. Chainpur, District Kaimur at Bhabua.
2. Fulan Ram Son of Rampyare Ram Resident of Village Nandgaon-Suhawal, P.S. Chainpur, District Kaimur at Bhabua.
3. Judge Ram Son of Rampyare Ram Resident of Village Nandgaon-Suhawal, P.S. Chainpur, District Kaimur at Bhabua.
4. Sanjira Devi wife of Rampyare Ram Resident of Village Nandgaon-Suhawal, P.S. Chainpur, District Kaimur at Bhabua.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

2. Rajmuni Devi W/O Sanjay Ram R/O Village Binuba Nagar, P.S. Adhaura, Distt. Kiamur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan

For the Opposite Party/s : Mr. Tapeswar Sharma

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

5 14-08-2019

Heard learned counsel for the parties.

The petitioner is apprehending his arrest in connection with Chainpur P.S. case no.337 of 2018 G.R.No.2944 of 2018 registered for offences punishable under Sections 498(A), 406, 376 of the Indian Penal Code.

Prosecution story as per the complaint petition filed by the O.P.no.2 is that after the death of her husband, she was married with the petitioner no.1 at Mundeshwari Temple and *panchnama* was prepared for her maintenance of her and her children by the petitioner no.1, however, further allegation is made that thereafter the petitioner no.4 asked her to have sexual relationship with the petitioner no.2 in order to remain in the house and on protest she was assaulted and ousted from the



house.

Submission of the learned counsel for the petitioner is that the whole prosecution story is absurd and unbelievable and even the witnesses of the complainant have not supported the same during inquiry and as a matter of fact it appears that the dispute is with respect to share of the property.

Heard learned A.P.P. and the learned counsel for the complainant, who has opposed the prayer for bail and submitted that it is admitted fact that the petitioner no.1 has married with the complainant and as such she is entitled for her maintenance and share also..

Having heard both sides and in view of facts and circumstances, as stated above, this application is allowed and provisional bail granted to petitioners vide order dated 14.5.2019 is confirmed and complainant is at liberty to move before learned Family Court for grant of maintenance in favour of her and her children and if such petition is filed before learned Family Court, he will consider the same on its own merit.

(Vinod Kumar Sinha, J)

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