

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71315 of 2018**

Arising Out of PS. Case No.-157 Year-2015 Thana- KURTHA District- Jehanabad

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Upendra Sharma @ Santosh Kumar, Son of Arvind Sharma, Resident of Village- Simuara, Police Station- Manikpur Kurtha, District- Arwal.

... .. Petitioner

Versus

1. The State Of Bihar,
2. Madhu Devi, wife of Upendra Sharma, Resident of Village- Simuara, Police Station- Kurtha, District- Arwal

... .. Opposite Parties.

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Appearance :

For the Petitioner/s : Mr.Manish Kumar No-2

For the Opposite Party/s : Mr. Tapeswar Sharma

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

5 12-03-2019 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Kurtha P.S. Case no. 157 of 2015, registered under Sections 498(A), 323 and 504/34 of the Indian Penal Code.

The accusation is that petitioner performed marriage with the informant Madhu Devi as there was no issue to the petitioner to his wife. After marriage, informant gave birth of a male child, which is aged about six years. In the meantime, due to wedlock of petitioner and his first wife, one male issue was also born. Thereafter, attitude of the petitioner changed with the informant and informant was being pressed to sell the land of her share in her Myaka and ultimately,



informant was compelled to left her matrimonial house and to live at her Myaka.

Learned counsel for the petitioner submits that, in fact, informant is the second wife of the petitioner and there is a male issue due to their wedlock, but after the marriage his first wife also gave a birth of a child and due to that reasons, informant became annoyed and left her matrimonial home and lodged the present case. Further submission is that petitioner is still ready to keep the informant with full dignity.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the S.D.J.M. Arwal in connection with Kurtha P.S. Case No. 157 of 2015, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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