

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68454 of 2019

Arising Out of Case No.-160 Year-2017 ROHTAS COMPLAINT CASE District- Rohtas

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1. KAMAL KUMAR SINGH Son of Harinath Singh Resident of Mohalla-Ganga Pump Canal Colony, Vikashpuri, P.S.-Buxar (Town), District-Buxar.
 2. Punam Kumari Wife of Kamal Kumar Singh Resident of Mohalla-Ganga Pump Canal Colony, Vikashpuri, P.S.-Buxar (Town), District-Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Supriyanka Kumari D/o Ashok Kumar Singh Resident of Village-Sangam Tola, P.S.-Jagdishpur, District-Bhojpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar Gupta
For the Opposite Party/s : Mr.Rajendra Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 07-11-2019 Heard both sides.

The petitioners apprehend their arrest in Complaint case No. 160 of 2017 registered under Section 9 of Prohibition of Child Marriage Act, 2006.

The Complainant is the first wife of petitioner No.1. The Complainant made allegation that she was married with petitioner No.1 in the year 2007 and went to her Sasural but her husband and other in-laws subjected her to physical and mental torture for which she filed Complaint case No. 1868/ 2011. Her husband filed Matrimonial Case No. 123 of 2011 and solemnized marriage with a minor girl.

The learned counsel for the petitioners submits that



petitioner No.1 has already divorced his first wife, the complainant, and the marriage has been dissolved by a decree of divorce passed on 22.01.2016 in Matrimonial Case No. 123 of 2011. The complainant is not competent to file this complaint case u/s 9 of Prohibition of Child Marriage Act. There is nothing on record to show that petitioner No.2, second wife of petitioner No.1, was minor on the date of marriage.

Considering the facts aforesaid and nature of allegation made against the petitioners, the petitioners, above named, in the event of their arrest/ surrender before the court below within a period of four weeks from the date of receipt/ production of a copy of this order are directed to be enlarged on bail on their furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st class, Bikramganj, Rohtas in connection with Complaint Case No. 160 of 2017, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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