

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83762 of 2019

Arising Out of PS. Case No.-28 Year-2017 Thana- MAHILA P.S. District- Patna

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1. Manoj Kumar @ Manoj Kumar Singh, Son of Sri Rajnath Singh, Resident of Village- Farhada, Police Station- Badahara, District- Bhojpur.
 2. Vijya Devi @ Bijoya Prasad Singh @ Vijya Prasad Singh, Wife of Sri Manoj Kumar @ Sri Manoj Kumar Singh Resident of Village- Farhada, Police Station- Badahara, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Murli Dhar

For the Opposite Party/s : Mr.Narsingh Tanti

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 18-12-2019 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioner no. 1, being the husband of the informant and petitioner no. 2, being the second wife of petitioner no. 1 are apprehending their arrest in a case registered for the offences punishable under Sections 498A, 494 and 420 of the Indian Penal Code.

The prosecution case as per the written report of Nilam Kumari submitted to the Station House Officer of Patna Mahila Police Station is to the effect that the informant was married with the petitioner on 10.06.2006 as per Hindu rites but subsequent to the marriage, the torture was inflicted for non-fulfillment of further dowry demand of Rs.Five lakhs and a car



and ultimately the informant was driven out from the matrimonial house. It is also alleged that the petitioner no. 1 has performed second marriage with petitioner no. 2.

It is submitted by learned counsel for the petitioners that petitioner no. 1 admits his marriage with the informant. The marriage between the informant and petitioner no. 1 was dissolved with consent under Section 13 of the Hindu Marriage Act vide judgment and order dated 04.04.2013 passed by learned Additional District Judge, F.T.C. 4 at Barackpore in Matrimonial Suit No. 1190 of 2012, as contained in Annexure-5 and thereafter, the present case has been lodged.

Learned APP submits that the thrust of accusation is against petitioner no. 1.

Considering the fact that the marriage of the informant and petitioner no. 1 has been dissolved with consent at earlier point of time, let the above named petitioner no. 1 be released on anticipatory bail provisionally for four months in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Patna in



connection with Patna Mahila P.S. Case No. 28 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Since the order dated 04.04.2013 passed in Matrimonial Suit No. 1190 of 2012 is xerox copy, let the learned Court below get it verified from the concerned court and thereafter, the provisional bail of petitioner no. 1 will be confirmed.

So far petitioner no. 2 is concerned, considering the thrust of accusation against petitioner no. 1, let the above named petitioner no. 2 be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Patna in connection with Patna Mahila P.S. Case No. 28 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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