

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.6446 of 2021

Arising Out of PS. Case No.-160 Year-2020 Thana- BENIPATTI District- Madhubani

1. SHIV CHANDRA SAH, S/O GANGA PRASAD SAH, RESIDENT OF VILLAGE BEHARA, P.S. BENIPATTI, DISTRICT MADHUBANI
2. RAMDEO SAH, S/O GANGA PRASAD SAH, RESIDENT OF VILLAGE BEHARA, P.S. BENIPATTI, DISTRICT MADHUBANI
3. SHANKAR SAH, S/O GANGA PRASAD SAH, RESIDENT OF VILLAGE BEHARA, P.S. BENIPATTI, DISTRICT MADHUBANI
4. NIRMALA DEVI, W/O SHIV CHANDRA SAH, RESIDENT OF VILLAGE BEHARA, P.S. BENIPATTI, DISTRICT MADHUBANI
5. SHARWAN SAH, S/O BINDE SAH, RESIDENT OF VILLAGE BEHARA, P.S. BENIPATTI, DISTRICT MADHUBANI
6. SANTOSH SAH, S/O BINDE SAH, RESIDENT OF VILLAGE BEHARA, P.S. BENIPATTI, DISTRICT MADHUBANI ... Petitioners

Versus

THE STATE OF BIHAR

... Opposite Party

Appearance :

For the Petitioners : Mr. Ratanakar Jha, Adv.
For the Opposite Party : Mr. Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 14-12-2021 Heard Mr. Ratnakar Jha, learned Advocate for the petitioners and Mr. Lalan Kumar, learned Additional Public Prosecutor for the State.

The petitioners seek bail in anticipation of their arrest in connection with Benipatti P.S. Case No. 160 of 2020 dated 01.07.2020 instituted for the offences under Sections 147, 342, 323, 386, 379, 504, 307, 506 and 34 of the Indian Penal Code.

The petitioners are related to the bride who are said to have refused to marry the younger brother of the informant on the ground of his being an imbecile. Precisely for this reason, the subject FIR has been lodged. After the petitioners refused to solemnize the marriage of the daughter of the family with the brother of the informant, the prosecution side went to the police



and also got a case registered vide Benipatti P.S. Case No. 161 of 2020.

Learned counsel for the petitioners has submitted that because of the boy not being fit enough mentally, the marriage was refused to be solemnized. Perhaps the marriage was fixed on the wrong presentation of the facts by groom side.

Considering the afore-noted background fact and the nature of accusation, the petitioners are directed to be released on bail, in the event of their arrest or surrender before the Court below within a period of four weeks from the date of receipt/production of a copy of this order, on their furnishing bail bonds in the sum of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, I, Benipatti, in connection with Benipatti P.S. Case No. 160 of 2020 subject to the conditions as laid down under Section 438(2) of the Criminal Procedure Code.

(Ashutosh Kumar, J)

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