

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10145 of 2023

Arising Out of PS. Case No.-312 Year-2020 Thana- KESARIA District- East Champaran

1. PRAMOD SINGH @ PRIYE RANJAN SINGH S/O Ramprit. Singh R/O Village- Gawandri Hajipur, P.S- Kesariya District- East Champaran
2. Chanchala Devi @ Chanchala Kumari W/O Pramod Singh @ Priye Ranjan Singh R/O Village- Gawandri Hajipur, P.S- Kesariya, District- E. Champaran

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR Bihar
2. Runa Devi W/O Pramod Singh @ Priye Ranjan Singh R/O Village- Gawandri Hajipur, P.S- Kesariya, District- E. Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhannjay Kumar No 2
For the Opposite Party/s : Mr.Pushpa Sinha.1

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 13-12-2023

1. Heard the parties.

2. The petitioners apprehend their arrest in connection with Kesariya PS Case No. 312 / 2020 dated 05.08.2020 registered under Sections 341, 323, 494, 498(A) / 34 of the I.P.C.

3. As per the prosecution case the informant's marriage was solemnized with the petitioner no. 1 eighteen years ago. The petitioner no. 1 and other accused persons demanded Rs. 4 Lakh and a motorcycle as dowry and due to non fulfillment of the demand the informant was tortured mentally as well as physically. It has further been alleged that



the husband of the informant has solemnized second marriage. On 27.07.2020 in the evening the accused persons assaulted the informant with iron rod and tried to kill her.

4. Learned counsel for the petitioners submits that marriage of the petitioner no. 1 was solemnized with the informant / opposite party no. 2 about eighteen years ago. Since the opposite party no. 2 was not bearing any child as such on the advice of the opposite party no. 2 herself the petitioner no. 1 has solemnized second marriage with her consent for the purpose of a child. He further submits that notice was issued to the opposite party no. 2 but she did not appear though she is residing with the petitioner no. 1 in her matrimonial home. Learned counsel next submits that both the petitioner no. 1 and the opposite party no. 2 are ready to file a joint affidavit in this regard before the learned court below at the time of furnishing bail bond.

5. Taking into consideration the submission made by parties and the fact that both husband and wife are residing together in the matrimonial home, as such, I am inclined to grant anticipatory bail to the petitioners.

6. Let the petitioners, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on



furnishing bail bond of Rs. 10000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of C.J.M., Motihari East Champaran in connection with Kesariya PS Case No. 312 of 2020 subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with further condition that at the time of furnishing bail bond the petitioner no. 1 as well as opposite party no. 2 shall furnish a joint affidavit stating therein that both are living together in one house.

(Anil Kumar Sinha, J)

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