

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32161 of 2022

Arising Out of PS. Case No.-6 Year-2022 Thana- KUNDWACHAINPUR District- East
Champaran

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BIRENDRA SAH @ VIRENDRA SAH Son of Achchhelal Sah Resident of
Village - Barba Khurd, P.S. - Kundwachainpur, District - East Champaran.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Kiran Devi Daughter of Ram Janam Prasad Resident of Village - Sirauna,
P.S. - Shikarganj, District - East champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Abhishek Kumar

For the Opposite Party/s : Mr.Mohammad Sufyan

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**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 04-01-2023 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the office within one

month.

Heard the learned counsel for the petitioner as well as

the learned counsel for the informant.

The petitioner apprehends his arrest in connection with

Kundwachainpur P.S. Case No. 06 of 2022, registered for the

offences punishable under Sections 341, 323, 354B, 498A and

504/34 of the Indian Penal Code.

As per allegation, the informant was married to the

petitioner in the year 2015. After marriage, the petitioner

subjected her to cruelty for non-fulfilment of demand of dowry.



On 06.01.2022, the petitioner and his family members badly assaulted her and they ousted her from matrimonial house, after snatching Rs. 30,000/- from her possession.

The learned counsel for the petitioner has submitted that the entire allegation is false. As a matter of fact, the informant is already a married lady. She is not legally wife of the petitioner and she has lodged a case under Section 498A of the Indian Penal Code against her husband Chunnu Sah, as Complaint Case No. 769 of 2014 dated 14.10.2014 presently pending in the Court of Sub-Divisional Judicial Magistrate, Sikrahana, East Champaran.

On the other hand, the learned counsel for the informant has submitted that the real fact is that the petitioner is a married person and the informant is also a married lady, after leaving their spouses, they are living together as husband and wife. But in order to substantiate the fact that petitioner is also a married person and he was living with the informant as husband and wife, there is no evidence on the record.

It is admitted fact that informant is already a married lady and she has lodged case against her husband, which is pending in the court of competent jurisdiction.

Considering the above-mentioned facts and



circumstances, the petitioner above-named, in the event of his arrest or surrender, within four weeks from today, is directed to be released on bail on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Sikrahana Dhaka, East Champaran in connection with Kundwachainpur P.S. Case No. 06 of 2022, subject to condition as laid down under section 438(2) Cr. P.C.

Office shall ensure that all defects are removed by the petitioner within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

Nirmal/Kundan

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