

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50526 of 2024

Arising Out of PS. Case No.-92 Year-2022 Thana- BUXAR INDUSTRIAL District- Buxar

1. KIRAN OJHA @ KIRAN MISHRA WIFE OF LATE SANJAY KUMAR MISHRA, D/O. CHHATHESHWAR OJHA RESIDENT OF VILLAGE - SEMARIA, OJHAPATTI, P.S. - SAHPUR, DISTRICT - BHOJPUR
2. CHHATHESHWAR OJHA SON OF LATE RADHA OJHA RESIDENT OF VILLAGE - SEMARIA, OJHAPATTI, P.S. - SAHPUR, DISTRICT - BHOJPUR

... .. Petitioners.

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deovind Kumar Singh, Advocate
For the Opposite Party/s : Mr. Md. Nazir Ansari, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 04-09-2024 Heard learned counsel for the petitioners and learned A.P.P.
for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 419, 420, 379, 504 & 506/34 of the Indian Penal Code.

3. As per the F.I.R., there is allegation of committing theft and procuring forged marriage certificate against the petitioners.

4. It is submitted by learned counsel for the petitioners that no such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case. It is further submitted that after the death of his first wife, the informant's father solemnized second marriage with the petitioner no.1 according



to Hindu rites and customs in Lok Sewa Ashram, Sonepur. It is further submitted that the Mukhiya of Gram Panchayat, Sonversha has also issued certificate that the petitioner no.1 is resident of village & P.O. Sonversha, P.S. Buxar, District Buxar and from perusal of this certificate it is evidently clear that petitioner no.1 is the wife of Sanjay Kumar Mishra. It is further submitted that after the death of husband of petitioner no.1, the family members of husband's family refused to accept petitioner no.1 as the wife of Late Sanjay Kumar Mishra then petitioner no.1 filed Title Suit No.1/2021 in the Court of Principal Judge, Family Court, Bhojpur at Ara for a declaration that petitioner no.1 is the legally wedded wife of Late Sanjay Kumar Mishra and after getting knowledge about this case, as a counter blast, the present false and frivolous case has been lodged against the petitioners. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond



of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Buxar (Industrial Area) P.S. Case No.92 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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