

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79231 of 2023

Arising Out of PS. Case No.-283 Year-2023 Thana- GRIYAK District- Nalanda

1. Omkar Nand Singh @ Omkanand Singh, Son of Late Parmanand Singh
 2. Malti Devi, Wife of Omkar Nand Singh
- Both are resident of Village- Gajipur, P.S.- Pawapuri, District- Nalanda.

... .. Petitioners

Versus

1. The State of Bihar
2. Gudiya Kumari, D/o Ravi Shankar Singh, Resident of Villkage + P.O.-Badi Aant, P.S.- Ben, District- Nalanda

... .. Opposite Parties

Appearance :

For the Petitioner/s	:	Mr. Lalan Kumar, Advocate
For the Opposite Party/s	:	Mr. Surendra Kumar, Advocate
For the Informant	:	Mr. Sameer Sawarn, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 05-03-2024 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State duly assisted by learned counsel for the informant.

2. The accused/petitioners are named in the FIR and apprehending their arrest in connection with Giriak/Pawapuri P.S. Case No.283 of 2023 registered under Sections 341, 323, 307, 495, 498-A, 504 and 506 read with 34 of the Indian Penal Code.

3. Allegation against the petitioners is to solemnize the second marriage of his son, namely, Shushil Kumar Kashyap during subsistence of his first marriage and to commit



physical and mental cruelty against informant/opposite party no.2 along with co-accused persons/family members.

4. It is submitted by learned counsel that petitioners have been implicated falsely with present case only for the reason that they are parents of main co-accused, namely, Sushil Kumar Kashyap against whom the thrust of allegation is available. It is submitted that the son of petitioners solemnized his marriage out of his own sweet will at the place where he is posted with ITBP, serving as a constable but, the fact of his marriage was not in the knowledge of petitioners and, therefore, being parents, they participated in the marriage of their son with opposite party no.2. It is submitted that the allegation of mental and physical cruelty is appearing very much general and omnibus against petitioners, who are in-laws. While concluding argument, it is pointed out that petitioners are of clean antecedent.

5. Learned APP duly assisted by learned counsel appearing on behalf of the informant while opposing the prayer of bail submitted that the petitioners actively participated in the occurrence.

6. In view of aforesaid facts and circumstances, as implication of petitioners appears only out of relation as they



are parents of main co-accused Sushil Kumar Kashyap, who solemnized marriage by concealing his first marriage with O.P. No.2, accordingly, both petitioners, above-named, are directed to be released on bail, in the event of their arrest or surrender in the court below within a period of four weeks, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Nalanda in connection with Giriak/Pawapuri P.S. Case No.283 of 2023, subject to the conditions as laid down under Section 438(2) of the CrPC.

(Chandra Shekhar Jha, J.)

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