

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6167 of 2015

Arising Out of PS.Case No. -26 Year- 2013 Thana -MAHILA P.S. District- LAKHISARAI

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Bangali Sahni son of Late Rameshwar Sahni Resident of Village - Alinagar
(English), P.S. - Surajgarha, District - Lakhisarai.

.... Petitioner/s

Versus

1. The State of Bihar
2. Bebi Devi, W/o Bangali Sahni, D/o Sukhdeo Sahni, R/o Alinagar
(English), P.S. Surajgarha, District – Lakhisarai.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rabi Bhushan

For the Opposite Party/s : Mr. Atul Chandra(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

04/ 02-07-2015

Heard learned counsels for the petitioner and the
State.

The petitioner being the husband of the
informant is apprehending his arrest in a case registered for the
offences punishable under Sections 498A, 494 and 406/34 of the
Indian Penal Code.

The basic accusation is of torture and performing
second marriage.

The petitioner and the informant are present. The
petitioner denies the factum of the marriage whereas the informant
claimed that she was married with the petitioner about 23 years
ago.

Considering the fact that the factum of marriage is in dispute, let the above named petitioner be released on provisional anticipatory bail for six months in the event of his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Lakhisarai in connection with Lakhisarai Mahila P.S. Case No. 26 of 2013, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Let the learned court below conduct an enquiry with regard to the factum of the marriage. If the learned court below comes to a conclusion that the petitioner has not performed marriage with the informant then the provisional bail of the petitioner will be confirmed by the learned court below, but if the learned court below comes to a conclusion otherwise then the petitioner will surrender and pray for regular bail.

(Dinesh Kumar Singh, J)

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