

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12365 of 2015

Arising Out of PS.Case No. -45 Year- 2014 Thana -SHIKARGANJ District-
EASTCHAMPARAN(MOTIHARI)

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1. Nawlesh Rai S/o Madan Rai of Vill. - Goriya Haraj, P.S. - Shikarganj,
Dist. - East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Vibha Devi D/o Lakhindar Rai W/o Late Paras Rai residing at Vill. -
Bherakhiya, P.S. - Pipra, Dist. - East Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sangeet Deokuliar

For the Opposite Party/s : Mr. Iftekhar Mahmood(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 07-09-2015

Heard learned counsels for the petitioner
and the State.

Petitioner is apprehending his arrest in a
case registered for the offences punishable under Sections
498A/34 of the Indian Penal Code.

The basic accusation is of torture.

The case of the informant is that she was
married to the elder brother of the petitioner Paras Rai in the
year 2001 who died in 2006 and thereafter she married with
this petitioner being younger brother of her first husband in
2008 and consequently gave birth to a female child but
subsequently torture has been inflicted.

It is submitted by learned counsel for the
petitioner that informant was never married with the petitioner.
Hence, there is no question of any case being made out under

Section 498A of the Indian Penal Code against the petitioner.

Considering the factum of marriage in dispute between the parties, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on provisional anticipatory bail for six months on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Sikarahana at Motihari in connection with Chiraiya P.S. Case No. 45 of 2014, G.R. Case No. 285 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Let learned Court below conduct an enquiry including the DNA matching of the baby girl if both sides agree and if it is found that petitioner never married with the informant then provisional bail of the petitioner will be confirmed but if learned Court below comes to the conclusion otherwise then petitioner will surrender and pray for regular bail.

However, if the enquiry will not be concluded within a period of six months then learned Court below will be at liberty to extend the period of provisional bail of the petitioner.

(Dinesh Kumar Singh, J)

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