

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6594 of 2015

Arising Out of PS.Case No. -350 Year- 2013 Thana -SHEKHPURA COMPLAINT CASE District-
SEKHPURA

- =====
1. Siya Manjhi Son of Late Shukar Manjhi
 2. Rajaram Manjhi @ Rajaram Bhuian Son of Siya Manjhi
 3. Karu Manjhi Son of Siya Manjhi
 4. Gangiya Devi @ Rangia Devi Wife of Siya Manjhi All resident of Village - Husainabad, P.S.-Ariari, Dist.-Sheikhpura

.... Petitioners

Versus

1. The State of Bihar
2. Piyariya Devi Daughter of Sohrai Manjghi Resident of Village - Hasainabad, P.S. Ariari, Dist.-Sheikhpura

.... Opposite Parties

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Appearance :

For the Petitioners : Mr. Rabi Bhushan Prasad No. 1

For the Opposite Parties : Mr. Murlidhar(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 08-05-2015 Petitioner No. 2 being husband, petitioner Nos. 1 and 4 being parents and petitioner No. 3 being brother of the husband of the complainant are apprehending their arrest in a complaint case wherein processes were directed to be issued after cognizance being taken for the offences punishable under Sections 323/34, 498A of the Indian Penal Code.

The basic accusation is of torture.

In pursuance to the order dated 19.02.2015 the petitioner No. 2 and the complainant are present. Petitioner No. 2 denies the factum of marriage, however complainant claims to have married with petitioner No. 2 Rajaram Majhi @

Rajaram Bhuian.

Considering the fact that factum of marriage is in dispute, let the petitioner No. 2, 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, Sheikhpura in connection with Complaint Case No. 350 of 2013, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Let learned Court below conduct an enquiry with regard to the factum of marriage between the petitioner No. 2 and the complainant. If learned Court below comes to the conclusion that petitioner No. 2 has not performed marriage with the complainant then the provisional bail of the petitioner No. 2 will be confirmed by learned Court below. However, if learned Court below comes to the conclusion otherwise then petitioner No. 2 will surrender and pray for regular bail.

Considering the thrust of accusation against petitioner No. 2, let the petitioner Nos. 1, 3 and 4, above named, in the event of their arrest or surrender before the Court below within a period of 12 weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/-(ten thousand) each with two sureties of the like

amount each to the satisfaction of learned Sub-Divisional
Judicial Magistrate, Sheikhpura in connection with Complaint
Case No. 350 of 2013, subject to the conditions as laid down
under Section 438(2) of the Cr.P.C.

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(Dinesh Kumar Singh, J)