

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13379 of 2015

Arising Out of PS.Case No. -307 Year- 2014 Thana -KAHALGAON District- BHAGALPUR

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1. Md. Gulam Serwer S/o Shekh Sakbaul @ Sakbul Uddin resident of village - Mahimchak, P.S. Rasalpur, District - Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Bibi Sonam D/o Late Israil R/o village - Dhanaura, P.S. - Rasalpur, District - Bhagalpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pravin Kumar Sinha
For the Opposite Party/s : Mr. Parmanand Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 11-08-2015 Petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 323, 341, 494, 498A of the Indian Penal Code and Section 3 of the Dowry Prohibition Act.

The basic accusation is torture for non-fulfilment of dowry demand and performing second marriage.

The petitioner and the informant are present.

It is submitted by learned counsel for the petitioner that petitioner disputes the factum of marriage whereas it is submitted by learned counsel for the informant that informant claims to have been married with the petitioner as per muslim rites.

Considering the fact that factum of marriage

is in dispute, 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 eight months on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur in connection with Kahalgaon(Rasalpur) P.S. Case No. 307 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 with regard to the factum of marriage. If learned Court below comes to the conclusion that petitioner has not performed marriage with the informant then the provisional bail of the petitioner will be confirmed by learned Court below. But, if learned Court below comes to the conclusion otherwise then petitioner will surrender and pray for regular bail.

(Dinesh Kumar Singh, J)

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