

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33882 of 2014

Arising Out of PS.Case No. -1415 Year- 2012 Thana -MUZFFARPUR COMPLAINT CASE
District- MUZAFFARPUR

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Shyamnandan Bhagat

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Naresh Chandra Verma, Advocate.
For the complainant : Mr. Navendu Kumar, Advocate.
For the State : Mr. Rajendra Nath Jha (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 27-03-2015 Heard learned counsels for the petitioner,
complainant and the State.

The petitioner being the husband of the complainant is apprehending his arrest in a complaint case wherein processes have been directed to be issued after cognizance being taken for the offences punishable under Sections 323, 498A of the Indian Penal Code and 34 of the D. P. Act.

The basic accusation is of torture for non-fulfillment of dowry demand.

Learned counsel for the petitioner disputes performance of marriage of petitioner with the complainant. Though learned counsel for the complainant submits that the residential certificate as well as ration card suggest that the petitioner

is the husband of the complainant and there is a child also out of the wedlock.

It is submitted by learned counsel for the petitioner that the residential certificate and ration card have been prepared in 2014 when the complaint was filed in 2012 wherein it is alleged that the complainant was driven out from the matrimonial house in 2011. Moreover, the petitioner is ready for getting D.N.A. of the child matched with the petitioner as the complainant claims the child being born out of the wedlock.

Considering the aforesaid facts, let the petitioner, above named, be released on provisional anticipatory bail for six months in the event of arrest or surrender before the learned court below within a period of twelve weeks from today in connection with Complaint Case No. 1415 of 2012, Tr. No. 2159 of 2013 on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M. Muzaffarpur, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Let the learned court below take proper steps for getting D.N.A. of the child matched with the petitioner by some authorized centre also

conduct an enquiry whether the petitioner was married with the complainant or not. If the learned court below comes to a conclusion that the petitioner was never married with the complainant the provisional bail of the petitioner will be confirmed by learned court below but if the learned court below comes to a conclusion otherwise then the petitioner will surrender and pray for regular bail.

U.K./-

(Dinesh Kumar Singh, J)

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