

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10292 of 2015

Arising Out of PS.Case No. -139 Year- 2014 Thana -BARSOI District- KATIHAR

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1. Bikash Kumar Choudhary @ Bikash Choudhary Son of Laxmi Narayan Choudhary, Resident of Village - Aurangabad, Mohalla - Sahpur Sahid Nagar, Police Station - Aurangabad, District - Aurangabad.

.... Petitioner

Versus

1. The State of Bihar.
2. Nilam Devi Wife of Bikash Choudhary, Daughter of Late Devendra Nath Das, Resident of Village - Barsoi Bazar, Police Station - Barsoi, District - Katihar.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Bimal Kumar

For the Opposite Parties : Mr. Rajendra Singh Shastrijee(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 19-05-2015

Petitioner being husband of the informant is apprehending his arrest in a case registered for the offences punishable under Section 498A of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

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

The petitioner and the informant are present. The petitioner disputes the factum of marriage and claims to have married with one Kumari Monika on 21.01.2014 whereas the informant claims to have married with the petitioner on 09.03.2014 and she wants to resume the conjugal life.

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 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 Chief Judicial Magistrate, Katihar in connection with Barsoi P.S. Case No. 139 of 2014.

Let learned Court below conduct an enquiry with regard to the factum of marriage of the petitioner with the informant. If learned Court below comes to the conclusion that there is no substantial proof with regard to the marriage of the petitioner with the informant then 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.

Shageer/-

(Dinesh Kumar Singh, J)

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