

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.39674 of 2014**

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1. Sunil Kumar Son of Hardev Prasad Resident of Village - Sardar Bigha,  
P.S. - Hilsa, District - Nalanda.

.... .... Petitioner

Versus

1. The State of Bihar  
2. Manju Kumari D/o- Deena Sao, W/o- Sunil Kumar R/o- Makhdumpur,  
P.S. - Karoi Pursurai, District - Nalanda.

.... .... Opposite Parties

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**Appearance :**

For the Petitioner : Mr. Binit Kumar

For the Opposite Parties : Mr. Satyavrat Verma(App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

2      07-01-2015

The present application has been filed for modification of the order dated 26.09.2013 passed in Cr. Misc. No. 21684 of 2013 for confirmation of the provisional bail granted to the petitioner in a complaint case whereby processes have been directed to be issued after cognizance being taken for the offences punishable under Sections 323, 498A, 504/34 of the I.P.C.

The complainant claims that she married with the petitioner in 2009. The factum of marriage is being denied by the petitioner. Though the petitioner offered to compensate the complainant which was not accepted by the complainant. The petitioner was granted provisional bail for nine months and learned Court below was directed to get an enquiry conducted with regard to the factum of marriage. The provisional bail of the petitioner was to be confirmed by learned

Court below, if learned Court below comes to the conclusion that marriage between the petitioner and the complainant was never consummated, but otherwise petitioner was directed to surrender and pray for regular bail. The order of the learned Court below dated 20.06.2014 as contained in Annexure-2 reflects that learned Court below comes to the conclusion that marriage was performed.

Now, learned counsel for the petitioner prays for deciding the whole issue afresh on merits. This Court is not inclined to do so. However, the order of this Court will not preclude the petitioner and complainant to resolve the issue otherwise. In case the petitioner surrenders and pray for regular bail, it will be decided without being prejudiced by the order of this Court.

Accordingly the application is disposed off in connection with Complaint Case No. 439C of 2012, pending in the Court of learned Sub-Divisional Judicial Magistrate, Hilsa, Nalanda.

**(Dinesh Kumar Singh, J)**

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