

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32026 of 2015

Arising Out of PS.Case No. -300 Year- 2014 Thana -GAYA COMPLAINT CASE District- GAYA

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1. Awadhesh Kumar @ Bhim son of Hriday Narayan Singh, Resident of village- Rauda Bishunpur, P.S. Guraru, District- Gaya

.... Petitioner/s

Versus

1. The State of Bihar
2. Kumari Neha Verma (claim to be wife of the petitioner) @ Babita Kumari D/o Ram Sarup Singh, R/o village- Simaru, P.S.- Gurua, District- Gaya

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Saxena

For the Opposite Party/s : Mr. Manish Kumar-Ii(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 09-11-2015 Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a complaint case in which process has been directed to be issued after cognizance being taken for the offences punishable under Sections 498A and 494 of the Indian Penal Code and section 4 of Dowry Prohibition Act.

The basic accusation is of torture for non fulfillment of dowry demands and performance of second marriage.

It is submitted by the learned counsel for the

petitioner that the petitioner disputed the factum of marriage with the complainant. The complainant was married with one Purushottam Kumar but since she is relative of the petitioner, she is falsely claiming to have married with the petitioner.

Learned counsel for the complainant submits that the petitioner in a reconciliation admitted his marriage with the complainant.

Considering the factum of marriage between the petitioner and the complainant in dispute, let the above named petitioner 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 six weeks from today on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Sherghati at Gaya in connection with Complaint Case No. 300 of 2014 subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned court below conduct an enquiry with regard to the factum of marriage between the petitioner and the complainant. If the learned court below



comes to the conclusion that the complainant was never married with the petitioner then the provisional bail shall be confirmed but if the learned court below comes to a conclusion otherwise, then the petitioner will surrender and pray for regular bail.

(Dinesh Kumar Singh, J)

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