

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35089 of 2015

Arising Out of PS.Case No. -9 Year- 2015 Thana -MAHILA P.S. District- LAKHISARAI

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Dilip Ram Son of Late Yamuna Ram, Resident of Village - Bhagwatipur,
Karmoure Pyne, P.S. - Barh, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Prabha Devi, Wife of Dilip Ram, Daughter of Parmeshwar Ram,
Resident of Jaynagar Badi Kabaiya, Ward No. 32, P.S. + District -
Lakhisarai.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ambika Bhagat

For the Opposite Party/s : Mr. Smt. Sangita Sharma(App)

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

ORAL ORDER

03/ 18-12-2015

Heard learned counsels for the petitioner

and the State.

The petitioner is apprehending his arrest in
a case registered for the offences punishable under Sections 323,
380, 504, 498A/34 of the Indian Penal Code and 3/4 of Dowry
Prohibition Act.

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

Counsel for the petitioner submits that the
petitioner disputes the marriage with the informant whereas
counsel for the informant submits that the petitioner has
performed marriage with the informant.

Considering the fact that the factum of

marriage is in dispute, let the above named petitioner be released on anticipatory bail provisionally for six months, in the event of his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Lakhisarai in connection with Lakhisarai Mahila P.S. Case No. 09 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Let the learned court below decides the factum of marriage between the parties as preliminary issue. If the learned court below comes to a conclusion that the petitioner has not performed marriage with the informant then the provisional bail of the petitioner will be confirmed by the learned court below, 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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