

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.35446 of 2015

Arising Out of PS.Case No. -47 Year- 2014 Thana -MAHILA PS District- KATIHAR

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Upendra Mandal @ Upendra Kumar Mandal

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Tarun Prasad Mandal, Advocate

For the Opposite Party/s : Mr. Bisheshwar Ram (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 18-08-2015

Heard learned counsels for the petitioner, informant and the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 376, 498A/34 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

The prosecution case is that the petitioner established physical relationship with the informant on pretext of marriage and continued such relationship for two years. Subsequently, performed marriage and, thereafter, the informant was subjected to torture for non-fulfillment of dowry demand.

It is submitted by learned counsel for the petitioner that there is no proof with regard to the marriage and petitioner is a married person. Moreover the accusation has been levelled in order to exert pressure on the petitioner to marry with the informant.

It is submitted by learned counsel for the informant that the informant was earlier married with one Dharmendra Mandal

and, after death of her husband, she used to serve the mother of the petitioner and by virtue of that service the petitioner performed marriage with her and now the petitioner wants to desert the informant.

Considering the factum of marriage, 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 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Katihar in connection with Katihar Mahila P.S. Case No.47 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 performing of marriage of the petitioner with the complainant. If the learned court below comes to a conclusion that the petitioner has not performed marriage with the complainant then 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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