

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36319 of 2015

Arising Out of PS.Case No. -270 Year- 2014 Thana -COMPLAINT CASE District- BANKA

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1. Ashok Murmu, S/o Chetlal Murmu, resident of village Harikura, Police Station- Katoria, District- Banka.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Shakuntala Devi, D/o Budhan Chaurai, resident of village- Chandi Peerha, P.O.+P.S. Chandan, District- Banka. At present resident of village Harikura, Police Station- Katoria, District- Banka.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee, Advocate
For the Opposite Party/s : Mr. Smt.Sangita Sharma (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 18-08-2015 Heard learned counsel for the petitioner and the State.

The petitioner being the husband of the complainant is apprehending his arrest in a complaint case in which processes have been directed to be issued after cognizance being taken for the offences punishable under Sections 323, 379, 498A of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

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

It is submitted by the learned counsel for the petitioner that petitioner never performed marriage with the complainant.



Considering the fact that the factum of marriage is in dispute, let the above named petitioner be released on provisional anticipatory bail 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 Sub-Divisional Judicial Magistrate, Banka in connection with Complaint Case No. 270 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Let the learned court below conduct an enquiry regarding factum of marriage between the petitioner and the complainant and if it is found that the petitioner has never performed marriage with the complainant the learned court below will confirm the provisional bail of the petitioner 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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