

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.48613 of 2014**

Arising Out of PS.Case No. -53 Year- 2014 Thana -GOPALGANJ CITY District- GOPALGANJ

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Azad Mian @ Azad Ali son of Haidar Mian resident of village/mohalla at -  
Katahri Bari, ward no. 27, P.S. - Gopalganj, district - Gopalganj.

.... .... Petitioner/s

Versus

1. The State of Bihar.
2. Jaitum Khatoon, Daughter of Shahabuddin Mian, Resident of at  
Mohalla – V.M. Field North Near, Tower, P.S. Gopalganj, District –  
Gopalganj.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Javed Aslam

For the Opposite Party/s : Mr. Dr. Rabindra Kumar(App)

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

06/ 27-08-2015

Heard learned counsels for the petitioner and the  
  
State.

The petitioner being the husband of the  
  
informant is apprehending his arrest in a case for the offences  
  
punishable under Sections 498A, 323, 504 and 354/34 of the  
  
Indian Penal Code.

The basic accusation is of torture.

The informant claims to have married with the  
  
petitioner in 2001 and have a child also.

Counsel for the petitioner submits that the  
  
petitioner denies the factum of marriage and suggests that the

informant was married with one Khush Mohammad which gets reflected from the written report submitted by the informant to Gopalganj Police Station on 16.05.2003. The same has been brought on record as Annexure-2.

It is submitted by learned counsel for the informant that the said written report was submitted by the petitioner himself to create evidence that the informant is not married with the petitioner.

The petitioner and the informant are present in the Court.

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 bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj in connection with Gopalganj P.S. Case No. 53 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 with regard to factum of the marriage between the petitioner



and the informant. If the learned court below comes to a conclusion that the petitioner has never married with the informant then the learned court below will confirm the provisional of the petitioner, but if the learned court below comes to a conclusion otherwise then the petitioner will surrender and pray for regular bail.



DKS/

**(Dinesh Kumar Singh, J.)**

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