

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43174 of 2015

Arising Out of PS.Case No. -29 Year- 2015 Thana -JURAWNPUR District- VAISHALI(HAJIPUR)

Pankaj Rai

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivjee Singh

For the Opposite Party/s : Mr. Ganesh Pd.Singh(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 14-09-2015

Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 406, 498A and 494/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

The basic accusation is of torture for non-fulfillment of the dowry demand and performing second marriage.

It is submitted by learned counsel for the petitioner that the petitioner has never been married with the informant and father of the petitioner filed Complaint Case No. 2305 of 2013 on 18.07.2013 and thereafter the present complaint case was filed on 14.05.2015 which came to be registered as a police case on 03.07.2015.

It is submitted by learned counsel for the informant that

the marriage with the informant was performed on 13.07.2013 and the complaint filed by the petitioner's side has never been proceeded against nor any order has been passed and the impugned order reflects that the petitioner was agreed to ready to keep the informant as wife with full dignity and honour, which reads as follows:-

“Learned defence counsel has denied the allegation levelled against the petitioner and submitted that the entire case is false and concocted and the petitioner is ready to keep the informant with honour and dignity, neither he nor his parents demanded any dowry from the informant or her parents.”

Considering the nature of 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 J.M., 1st Class, Vaishali at Hajipur in connection with Jurawanpur P.S. Case No. 29 of 2015, 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 factum of marriage. If the learned court below comes to

the conclusion that petitioner has never performed marriage with the informant then the provisional of the petitioner will be confirmed by the learned court below and if the learned court below comes to the conclusion otherwise then the petitioner will surrender and pray for regular bail.

(Dinesh Kumar Singh, J)

Amrendra/-

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