

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22312 of 2015

Arising Out of PS.Case No. -181 Year- 2013 Thana -PATNA COMPLAINT CASE District-
PATNA

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Durga Sao (aged about 18 years) S/o Sri Khesari Sao Resident of Village
Paharpur Purvi, P.S. Jurabanpur (Raghopur), District Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Asha Devi W/o Durga Sao and D/o Sri Haran Sao Resident of Village
A/p Didarganj Dharamkanta, P.S. Didarganj, District Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kartik Kumar Sinha

For the Opposite Party/s : Mr. Aditya Nr. Singh1 (App)

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

04/ 03-11-2015

Heard learned counsels for the petitioner and the
State.

The petitioner being the husband of the
complainant is apprehending his arrest in a complaint case wherein
process has been directed to be issued after cognizance being
taken for the offences punishable under Section 498A of the
Indian Penal Code and 3/4 of Dowry Prohibition Act.

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

Learned counsel for the petitioner submits that
the petitioner disputes the factum of marriage whereas it is
submitted by learned counsel for the complainant that the

photographs of the marriage reflects that the petitioner performed marriage with the complainant.

In the circumstances, 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, Patna City in connection with Complaint Case No. 181 of 2013, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Let the learned court below decide the issue with regard to the factum of marriage as preliminary issue with the aforesaid time and if the learned court below comes to the conclusion that the petitioner has not performed marriage with the complainant then the provisional bail 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.

DKS/-

(Dinesh Kumar Singh, J)

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