

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22284 of 2015

Arising Out of PS.Case No. -1664 Year- 2013 Thana -VAISALI COMPLAINT CASE District-
VAISHALI(HAJIPUR)

=====

Nagendra Sah S/o Sahdeo Sah, Resident of village- Ashtipur, Lolachak,
P.S.- Hajipur Sadar, District- Vaishali at Hajipur

.... Petitioner/s

Versus

1. The State of Bihar
2. Mamta Devi, D/o Rajendra Sah, R/o Village- Rahimapur, P.S.- Bidupur,
District- Vaishali

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Subodh Prasad

For the Opposite Party/s : Mr. Kr. Virendra Narayan(App)

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

04/ 29-10-2015

Heard learned counsels for the petitioner and the

State.

The petitioner 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.

The basic accusation is of torture.

It is submitted by learned counsel for the

complainant that the complainant was initially married with

Virendra Sah, the elder brother of the petitioner, but after his death

she remarried with the petitioner on 07.10.2011. Subsequently she

gave birth to a child and thereafter petitioner started torturing her and now the petitioner has performed second marriage.

It is submitted by learned counsel for the petitioner that the petitioner never performed marriage with the complainant and the petitioner has no objection if she enjoys her share of property in the in-laws house.

Considering the nature of 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 Chief Judicial Magistrate, Vaishali at Hajipur in connection with Complaint Case No. 1664 of 2013, 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 the factum of marriage between the petitioner and the complainant and birth of a child after remarriage. If the learned court below comes to a conclusion that the petitioner never performed marriage with the complainant and the child is not of the petitioner 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.

(Dinesh Kumar Singh, J)

DKS/-

U		T	
---	--	---	--