

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.14370 of 2015**

Arising Out of PS.Case No. -29175 Year- 2014 Thana -PATNA COMPLAINT CASE District-  
PATNA

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Dipak Kumar, aged about 29 years S/o Sri Ramjee Yadav R/o Village  
Reshir, P.S. Fatehpur, District Gaya.

.... .... Petitioner/s

Versus

1. The State of Bihar.
2. Sabnam Khatoon @ Guriya D/o Md. Israil Saudagar R/o Saudagar Pati,  
P.S. Govindpur, District Dhanbad, at present Tenant of Sri Pradip  
Kumar, R/o Village Chamanchak, P.S. Ram Krishna Nagar, District  
Patna.

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

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**Appearance :**

For the Petitioner/s : Mr. Vijay Kumar Sinha

For the Opposite Party/s : Mr. A.M.P.Mehta(App)

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

04/ 14-09-2015

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 493 of the Indian  
Penal Code.

The basic accusation is that the complainant was earlier married with Akhtar Hasan and there is a daughter also from the first husband. Subsequently married with the petitioner in a temple and established physical relationship.

Counsel for the petitioner denies the factum of marriage or establishment of physical relation.

Though, the counsel for the complainant submits that the marriage was performed and due to the torture the complainant committed suicide when U.D. case was registered.

Since the factum of marriage or any physical relationship in the nature 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 bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Patna in connection with Complaint Case No. 29175 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 the factum of marriage or relationship of petitioner with complainant in the nature of marriage. If the learned court

below comes to a conclusion that the petitioner never married the complainant or had never been in relationship in the nature of marriage with the complainant then the provisional bail of the petitioner will be confirmed, 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/-

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