

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.46306 of 2014**

Arising Out of PS.Case No. -9 Year- 2014 Thana -MAHILA PS District- AURANGABAD

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Anand Kumar @ Anand Singh Son of Beni Madhav Singh Resident of  
Village - Naugadh, P.S. - Muffasil, Dist.-Aurangabad

.... .... Petitioner/s

Versus

1. The State of Bihar
2. Guria Kumari, D/o Ajay Vishwakarma, Village – Naugadh, P.S.  
Muffasil, District – Aurangabad.

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

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**Appearance :**

For the Petitioner/s : Mr. Leelawati Kumari

For the Opposite Party/s : Mr. Ram Sumiran Rai (App)

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

**ORAL ORDER**

03/ 03-07-2015

Heard learned counsels for the petitioner and the  
State.

The petitioner being the husband of the  
informant is apprehending his arrest in a case registered for the  
offences punishable under Sections 498A and 313/34 of the Indian  
Penal Code.

The accusation is of performing marriage with  
the informant on 15.02.2014 in Tarachandi Temple and thereafter  
getting the pregnancy terminated.

It is submitted by learned counsel for the petitioner that the informant was married to one Dhanjay Kumar @ Dhanjay Vishwakarma and the petitioner was never married with the informant. There is no proof with regard to termination of pregnancy.

It is submitted by learned counsel for the informant that there are several photographs of the petitioner and the informant suggest the performance of marriage, though, there is no proof with regard to termination of pregnancy.

Considering the fact that the factum of marriage is in 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, Aurangabad in connection with Aurangabad Mahila P.S. Case No. 09 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 marriage. If the learned court below comes to a conclusion that the petitioner never married with the

informant then the provisional bail of the petitioner 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/-

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