

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24733 of 2015

Arising Out of PS.Case No. -86 Year- 2014 Thana -DESARI District- VAISHALI(HAJIPUR)

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Pappu Rai son of Devendra Rai resident of village Poliyar Bujurg, P.S.
Desari District Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Mukesh Kumar S/o Ram Babu Rai, Village – Gobindpur, Jakhraha, P.S.
Rajapakar, District – Vaishali.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar Singh

For the Opposite Party/s : Mr. Durgesh Nandan (App)

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

ORAL ORDER

03/ 14-10-2015

Heard learned counsels for the petitioner and the

State.

The petitioner is apprehending his arrest in a
case registered for the offences punishable under Sections 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.

The petitioner and the sister of the informant-
opposite party no. 2 are present.

It is submitted by learned counsel for the
petitioner that the petitioner disputes the factum of marriage
whereas the counsel for the informant submits that the sister of
the informant claims to have married with the petitioner in a

temple.

Considering the fact that the factum 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 bond 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 Desari P.S. Case No. 86 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 the marriage between the petitioner and the sister of the informant. If the learned court below comes to a conclusion that petitioner has never been married with the sister of the informant, 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.)

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