

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33879 of 2015

Arising Out of PS.Case No. -355 Year- 2014 Thana -SITAMARHI COMPLAINT CASE District-
SITAMARHI

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1. Md. Haidar Ali, S/O Md. Kasim Shekh, Resident of Village- Mlahi,
P.S.- Bela, District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Rajiya Khatoon, W/o Md. Haider, Resident of village- Malahi, P.S.-
Bela, Dist- Sitamarhi, At present C/o Aashama Khatoon P.S. Sonbarsa,
District- Sitamarhi.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar

For the Opposite Party/s : Mr. Sahin Begum(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 13-08-2015

Heard learned counsels for the petitioner

and the State.

Petitioner is apprehending his arrest in a
complaint case filed with accusation under Sections 323, 379,
498A, 504/34 of the Indian Penal Code and Section 3/4 of the
Dowry Prohibition Act.

The basic accusation is of torture.

The complainant claims to have married
with the petitioner on 17.01.2014 and filed the present
complaint on 20.02.2014, whereas the date of occurrence
mentioned in the complaint is 24.02.2014. The petitioner
denies the factum of marriage.

Considering the fact that factum of marriage
is in dispute, let the petitioner, above named, in the event of his

arrest or surrender before the Court below within a period of 12 weeks from today, be released on provisional anticipatory bail for six months on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Sadar, Sitamarhi in connection with Complaint Case No. C1/355 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Let learned Court below conduct an enquiry with regard to the factum of marriage between the petitioner and the complainant. If learned Court below comes to the conclusion that petitioner never married with the complainant then provisional anticipatory bail of the petitioner will be confirmed by learned Court below. However, if learned Court below comes to the conclusion otherwise then petitioner will surrender and pray for regular bail.

(Dinesh Kumar Singh, J)

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