

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17542 of 2015

Arising Out of PS.Case No. -15 Year- 2015 Thana -KATEYA District- MUZAFFARPUR

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1. Md. Hasnain S/o Md. Mokim resident of village - Thikhan Basudev,
Uttari Tola P.S. - Kathaiya, District - Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Robina Khatoon D/o Abdul Matin resident of village - Thikhan Basudev,
Uttari Tola P.S. - Kathaiya, District - Muzaffarpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar @ S.K.

For the Opposite Party/s : Mr. Tapeswar Sharma(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

4 05-10-2015 Heard learned counsels for the petitioner and the

State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 341,323,307 and 498A/34 of the Indian Penal Code and sections 3 and 4 of Dowry Prohibition Act.

The basic accusation is of torture for non fulfillment of dowry demands.

The informant claims to have married with the petitioner on 23.12.2010.

Notices were issued to O.P. No. 2 on 15.5.2015.

The office note date 1.10.2015 reflects that the notice under

ordinary process was served on the learned counsel appearing for the O.P. No.2 before the learned court below though service report of registered notice has not been received as yet.

In the circumstances, notices are deemed to be treated as validly served.

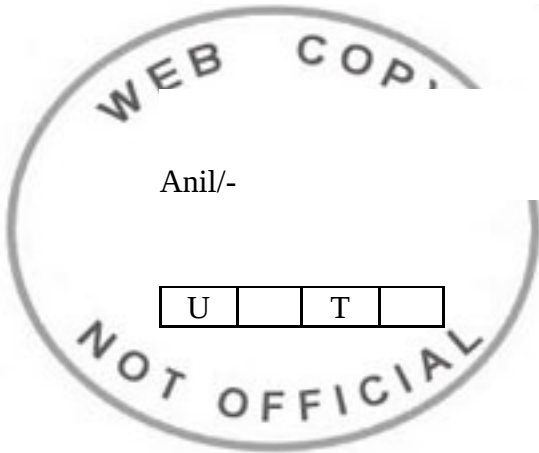
It is submitted by the learned counsel for the petitioner that the petitioner denies the factum of his marriage with the informant.

Considering the aforesaid facts, let the above named petitioner be released on provisional anticipatory bail for six months in the event of 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 SDJM, West, Muzaffarpur in connection with Kathaiya P.S. Case No.15 of 2015 subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned court below conduct an enquiry with regard to the factum of marriage between petitioner and the informant. If it is found that the petitioner was never married with the informant, the provisional bail of the petitioner shall 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)