

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50992 of 2015

Arising Out of PS.Case No. -585 Year- 2015 Thana -WEST CHAMPARAN COMPLAINT District-
WESTCHAMPARAN(BETTIAH)

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Md. Izhar

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Adv.

For the Opposite Party/s : Mr. Upendra Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 04-11-2015

Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Sections 498A of the Indian Penal Code.

The basic accusation is of torture.

The prosecution case is that the complainant claims to have married with the petitioner on 14.10.2013 and thereafter demand of dowry was made and for non-fulfillment of the same, the complainant was tortured.

It is submitted by learned counsel for the petitioner that only proposal of marriage was made on behalf of the complainant's family but the marriage was never performed.

Considering the fact that the factum of marriage in

dispute, 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 ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned JM, 1st Class, Bettiah, West Champaran in connection with Complaint Case No. 585C of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned court below conduct an enquiry and if the learned court below comes to the conclusion that the marriage was never performed between the petitioner and the complainant then the provisional bail of the petitioner will be confirmed by learned court below but if the learned court below comes to the conclusion otherwise then the petitioner will surrender and pray for regular bail.

Amrendra/-

(Dinesh Kumar Singh, J)

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