

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56930 of 2015

Arising Out of PS.Case No. -216 Year- 2015 Thana -COMPLAINT CASE District- KISANGANJ

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1. Kalam, S/o- Islamuddin, Resident of Kharna, P.S.- Thakurganj, District- Kishanganj.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Akhtari Begum D/o Late Md. Tafejul, R/O- Kharna, P.S.- Thakurganj, District- Kishanganj, At present- Paithanbasti, P S- Pharkatta, District- Kishanganj.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Diwakar Sinha
For the Opposite Party/s : Mr. Sanjay Kumar Sharma (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 17-12-2015 Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a complaint case in which process has been directed to be issued after cognizance being taken for the offences punishable under Sections 323 and 498A of the Indian Penal Code.

The basic accusation is of torture.

It is submitted by the learned counsel for the petitioner that the petitioner denies the factum of marriage with the complainant. Statement to that effect has been made in paragraph 12 of the petition. It is further submitted that the complainant earlier filed Thakurganj P.S. Case No. 168 of 2014 levelling

accusation under section 376 IPC wherein the petitioner was granted bail after remaining in custody for twenty days vide order dated 20.2.2015 passed in B.P. No. 26 of 2015 and thereafter on 9.3.2015 the present complaint has been lodged.

Considering the inconsistent nature of accusation levelled by the complainant and the factum of marriage being in dispute, let the above named petitioner be released on anticipatory bail 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 CJM, Kishanganj in connection with Complaint Case No. 216 of 2015 subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

Anil/-

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