

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17483 of 2015

Arising Out of PS.Case No. -106 Year- 2014 Thana -AMAS District- GAYA

=====

Satyanarain Choudhary @ Raju Choudhary Son of Suresh Choudhary,
Resident of Village - Jabania, P.S. - Amas, District - Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sanju Devi, W/o Satyanaran Choudhary, D/o Dasrath Choudhary,
Resident of Village - Chatti, P.S. - Deo, District - Aurangabad (Bihar).

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Md. Javed Jafar Khan

For the Opposite Party/s : Mr. Satyendra Pd.(App)

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

03/ 17-09-2015

The matter is listed under heading 'For orders on office note'. Since the notices were not served on opposite party no. 2, but sine the counsel for opposite party no. 2 has already entered appearance the matter is taken up.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 498A, 323/34 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.

It is submitted by learned counsel for the petitioner that the petitioner disputes the factum of marriage

whereas it is submitted by learned counsel for the informant that the informant claims her marriage with the petitioner and birth of a female child.

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 bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Sherghati at Gaya in connection with Amas P.S. Case No. 106 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 the factum of marriage between the petitioner and the informant. Both the petitioner and the informant are present in the Court. They have no objection with regard to matching of DNA of the child with the petitioner. The learned court below will be at liberty to get DNA matching of the child with the petitioner and if the learned court below comes to a conclusion that the petitioner has no relationship in the nature of marriage with 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)

DKS/-

U		T	
---	--	---	--