

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35986 of 2015

Arising Out of PS.Case No. -18 Year- 2015 Thana -MAHILA P.S. District- BANKA

Munna Kumar, son of Shiv Nandan Thakur

.... Petitioner/s

Versus

1. State of Bihar
2. Madhuri Kumari

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee, Advocate
For the Opposite Party/s : Mr. Suman Kri Singh(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 18-08-2015

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the informant is apprehending arrest in a case registered for the offences punishable under Sections 498A, 341, 323, 504/34 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

The basic accusation is of torture for non-fulfillment of dowry demand.

It is submitted by learned counsel for the petitioner that petitioner never performed marriage with the informant. In fact, one Bishundeo Thakur has misappropriated the money of the petitioner on the pretext of providing employment and the informant has been set up by Bishundeo Thakur to lodge the present case.

Considering the factum of marriage in dispute, let the

above named petitioner be released on provisional anticipatory bail for seven months, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Banka in connection with Banka (Mahila) P.S. Case No.18 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 of the petitioner with the informant. If it transpired, during enquiry, that the petitioner has not performed marriage with the informant, then provisional bail of the petitioner will be confirmed by the learned court below, otherwise the petitioner will surrender and pray for regular bail.

(Dinesh Kumar Singh, J)

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