

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7111 of 2016

Arising Out of PS.Case No. -276 Year- 2015 Thana -MAJORGANJ District- SITAMARHI

=====

Santosh Kumar Singh S/o Ram Bilash Singh R/o Village- Bhaluhaiya, P.S.-
Majorgunj, District- Sitamarhi

.... Petitioner/s

Versus

1. The State of Bihar
2. Sapna Rani W/o Santosh Kumar Singh R/o village – Bhaluhia, P.S.-
Majorganj, District – Sitamarhi.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Dinesh Jha

For the Opposite Party/s : Mr. Renu Kumari(App)

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

03/ 30-06-2016

Heard learned counsels for the petitioner and the
State.

The petitioner is apprehending his arrest in a
case registered for the offences punishable under Sections 323,
120B, 379, 494, 498A, 504 of the Indian Penal Code.

The basic accusation is of torture and performing
second marriage.

It is submitted by learned counsel for the
petitioner that the informant is eunuch and hence, the petitioner
denies the factum of marriage. Statement to that effect has been
made in paragraph 9 of the petition.

It is submitted by learned counsel for the

informant that the informant admits that she is eunuch but she claims to have married with the petitioner.

Considering the fact that the factum of marriage is in dispute, let the above named petitioner be released on provisional anticipatory bail for four 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 Chief Judicial Magistrate, Sitamarhi in connection with Majorganj P.S. Case No. 276 of 2015, 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 as preliminary enquiry and if it is found that the petitioner has never been married with the informant then the provisional bail of the petitioner 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	
---	--	---	--