

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13166 of 2016

Arising Out of PS.Case No. -28 Year- 2015 Thana -MAHILA PS District- GAYA

=====

Anil Chaudhary @ Anil Chaydhary Son of Sri Jaglal Chaudhary, Resident f
Village- Pir Bigha, P.S.- Chandauti, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Anju Kumari D/o Lakhan Chaudhary, resident of Village- Pathal
Pokhar, P.S.- Ghoshi, District- Jehanabad.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Singh

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

=====

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**
ORAL ORDER

03/ 08-08-2016 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 498A,
341, 323, 504/34 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 denies the factum of marriage whereas
it is submitted by learned counsel for the informant that the
marriage was performed in a temple.

Considering the fact that the factum of marriage is in dispute, let the above named petitioner be released on provisional anticipatory bail 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 Additional Chief Judicial Magistrate Ist, Gaya in connection with Gaya Mahila P.S. Case No. 28 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 factum of marriage and if it is, prima facie, found that the petitioner has not performed marriage 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	
---	--	---	--