

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18644 of 2016

Arising Out of PS.Case No. -35 Year- 2016 Thana -BARBIGHA District- SEKHPURA

Pankaj Kumar Son of Raja Ram Prasad,

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rabindra Prasad Singh, Advocate

For the Opposite Party/s : Mr. Kr. Ranjit Ranjan(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 04-05-2016

Heard learned counsels for the petitioner and the State.

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

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

Learned counsel for the petitioner submits that the petitioner denies the factum of marriage and earlier the informant's side performed forceful marriage of the petitioner for which Barbigha P.S. Case No.34/2016 has been filed levelling accusation under sections 448, 147, 385, 504 and 506 of the Indian Penal Code and thereafter the present case has been lodged.

It is submitted by learned counsel for the informant

that the informant claims to have performed marriage with the petitioner when an affidavit was sworn by both the sides before the Notary Public.

Considering the factum of marriage in dispute, let the above named petitioner be released on provisional anticipatory bail for six months 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 ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned ACJM-II, Sheikhpura, in connection with Barbigha P.S. Case No.35/2016, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The learned court below will decide the factum of marriage as a preliminary issue within a period of six months and if the learned court below comes to the conclusion that the petitioner has never married with the informant then provisional bail will be confirmed by the learned court below. But if the learned court below comes to the conclusion otherwise then the petitioner will surrender and pray for regular bail

(Dinesh Kumar Singh, J)

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