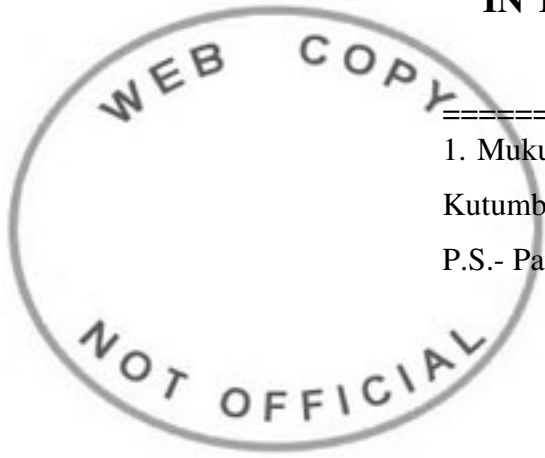




IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20867 of 2016

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1. Mukul Ranjan Singh son of Jagnarain Singh, resident of Dadhapa, P.S.-
Kutumba, District- Aurangabad, presently residing at Mohalla- Mainpura,
P.S.- Patliputra, District- Patna

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prashant Sinha, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 11-05-2016

The present application has been filed for modification of order dated 09.07.2015 passed in Cr. Misc. No. 36906 of 2014 to the extent of confirming the provisional bail granted to the petitioner.

It appears that the petitioner preferred Cr. Misc. No. 36906 of 2014 with a prayer for anticipatory bail in a case registered for the offences punishable under Sections 498A/34, 312 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 and getting the pregnancy

terminated.

On the joint prayer of the parties, the matter was referred to the Mediation Centre of State Legal Services Authority vide order dated 18.02.2015, but the mediation could not succeed. The informant claimed that she performed marriage with the petitioner in a temple, whereas the factum of marriage has been denied by the petitioner.

Considering the fact that the factum of marriage is in dispute, the petitioner was granted provisional anticipatory bail for nine months. The learned court below was directed to conduct an enquiry with regard to factum of marriage. If the learned court below comes to the conclusion that the petitioner has never married with the informant then the 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.

During the period of enquiry, the petitioner expressed his willingness to pay Rs.4,000/- per month from August, 2015 to the informant by depositing the same in her Bank account by second week of every succeeding month.

After conducting the enquiry the learned court below vide order dated 10.03.2016 came to the conclusion that the marriage between the petitioner and the informant was performed and consequently cancelled the provisional bail

bonds of the petitioner vide order dated 21.04.2016.

It is submitted by the learned counsel for the petitioner that learned court below has not considered the adequate evidence for reaching to the conclusion that the marriage was performed between the parties. Though the police report suggests that the marriage was performed with mutual consent of the parties in temple, but no receipt was issued by the temple for the purpose of marriage.

In view of the earlier order of this Court dated 09.07.2015 passed in Cr. Misc. No. 36906 of 2014, this Court is not inclined to enter into the merits of the finding arrived at by the learned Magistrate. However, if the petitioner surrenders and agree to make payment of Rs. 4,000/- per month as it is submitted that it is regularly being paid, then the learned court below considered the prayer for regular bail of the petitioner.

Let the learned court below consider the prayer for regular bail of the petitioner, if the petitioner surrenders before the learned court below within a period of six weeks from today in connection with Patna Mahila P.S. Case No. 01 of 2014, pending in the court of learned Smt. Suchitra Singh, J.M., Ist Class, Patna.

With the above observation this application is disposed of.

It is expected from the learned court below to dispose of the regular bail application of the petitioner preferably on the same day.

(Dinesh Kumar Singh, J)

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