

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41360 of 2015

Arising Out of PS.Case No. -100 Year- 2015 Thana -BAIRIYA District-
WESTCHAMPARAN(BETTIAH)

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Ajay Yadav @ Ajay Kumar Yadav Son of Sri Nawal Yadav @ Nawal
Kishore Yadav, resident of village- Pathari Ghat, Hospital Road, Bettiah,
P.S.- Bettiah Town, District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar
2. Nandlal Yadav son of Late Dhup Yadav,
3. Ravita Kumari daughter of Nandlal Yadav, O.P. Nos. 2 and 3 residents of
village- Bagahi Lamuiya Tola, P.S.- Bairiya, District- West Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opposite Party/s : Mr. S.Dayal (App)

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

ORAL ORDER

03/ 18-02-2016

Heard learned counsels for the petitioner and the
State.

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

The basic accusation is of torture.

Learned counsel for the petitioner submits that
the petitioner disputes the factum of marriage.

Counsel for the informant submits that the
marriage was performed and thereafter the torture was inflicted.

Considering the fact that the factum of marriage

is in dispute, let the above named petitioner be released on anticipatory bail provisionally 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 Chief Judicial Magistrate, West Champaran at Bettiah in connection with Bairiya P.S. Case No. 100 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

In the meantime, let the learned court below decide the issue of factum of marriage as preliminary issue. If the learned court below comes to a conclusion that the petitioner has not performed marriage with the daughter of 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)

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