

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46715 of 2015

Arising Out of PS.Case No. -258 Year- 2014 Thana -BARHARA District- PURNIA

Manoj Yadav

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijendra Kumar Singh

For the Opposite Party/s : Mr. Ram Chandra Sahni(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 29-04-2016

Heard learned counsels for the petitioner and the State.

The petitioner being husband of the informant is apprehending arrest in a case registered for the offences punishable under Sections 498A/379 of the Indian Penal Code.

Basic accusation is of torture.

It is submitted by learned counsel for the petitioner that the petitioner disputes the factum of marriage with the informant whereas it is submitted by learned counsel for the informant that the informant claims to have married with the petitioner and the petitioner's name appears as husband of the informant in the voter list of Bihariganj Legislative Assembly in the district of Madhepura.

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 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Purnea in connection with Barhara P.S. Case No.258/2014, 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)

Ashwini/-

U		T	
---	--	---	--