

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.27000 of 2016**

Arising Out of PS.Case No. -420 Year- 2015 Thana -BHAGALPUR COMPLAINT CASE District-  
BHAGALPUR

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Md. Niyaz son of Md. Bhaggo.

.... .... Petitioner/s

Versus

State of Bihar & Anr

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Anupa Nand Jha

For the Opposite Party/s : Mr. Sri Mukteshwar Dayal

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

2 30-06-2016

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the complainant is apprehending arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Sections 498A of the Indian Penal Code.

The basic accusation is of torture.

It is submitted by learned counsel for the petitioner that the petitioner denies the factum of marriage.

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 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 SDJM, Bhagalpur in connection with Complaint Case No. 420 of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned court below get an enquiry conducted with regard to factum of marriage of the petitioner with the complainant and if the learned court below comes to the conclusion that the petitioner never performed marriage with the complainant then the provisional bail of the petitioner 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)**

Amrendra/-

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