

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11100 of 2016

Arising Out of PS.Case No. -139 Year- 2015 Thana -BALRAMPUR District- KATIHAR

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1. Tapan Kumar Das Son of Ajay Kumar Das Resident of Village- Sidhna
, Police Station -Balrampur, District Katihar.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sudha Devi Daughter of Naepal Prasad Das Resident of Village-
Sidhna , Police Station -Balrampur, District Katihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Najeeb Ahmad

For the Opposite Party/s : Mr. D.P.Tiwari(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 12-07-2016 Petitioner is apprehending his arrest in a
case registered for the offences punishable under Sections
498A, 307 of the Indian Penal Code and Section 3/4 of the Dowry
Prohibition Act.

The basic accusation is of torture for non-
fulfilment of dowry demand.

It is submitted by learned counsel for the
petitioner that petitioner disputes the factum of marriage,
however the informant claims that she performed love marriage
with the petitioner and the marriage was performed in a
temple. Learned counsel for the petitioner claims that the priest
of the temple denied the factum of marriage. The petitioner has
also filed Matrimonial Suit No. 476 of 2015 for declaring the
marriage void ab initio.

Considering the fact that factum of marriage is in dispute, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on provisional anticipatory bail for six months on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Katihar in connection with Balrampur P.S. Case No. 139 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Learned Court below will consider all the relevant materials on record and if learned Court below prima facie comes to the conclusion that marriage was not performed between the petitioner and the informant then the provisional bail of the petitioner will be confirmed, but if learned Court below comes to the conclusion otherwise then petitioner will surrender and pray for regular bail.

(Dinesh Kumar Singh, J)

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