

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15973 of 2016

Arising Out of PS.Case No. -763 Year- 2015 Thana -SITAMARHI COMPLAINT CASE District-
SITAMARHI

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Md. Tabarak Hussain S/o Md. Idrish Rain

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimal Kumar

For the Opposite Party/s : Mr. Satyaverat Verma (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

2 11-04-2016 Heard learned counsels for the petitioner, the
complainant and the State.

The petitioner being the husband is apprehending arrest
in a complaint case in which processes were directed to be issued
after cognizance being taken under Section 323, 341, 498A, 504 of
the Indian Penal Code.

The basic accusation is of torture.

The petitioner disputes the factum of marriage with the
complainant and, hence, the question of reconciliation does not
arise.

It is submitted by learned counsel for the complainant
that prima facie finding the marriage between the complainant and
petitioner true and torture inflicted to complainant, the order of
cognizance was passed. The complainant appeared before the

court below but the petitioner did not appear, which is apparent from paragraphs 4 and 5 of the impugned order.

Considering the aforesaid facts, let the above named petitioner be released on provisional anticipatory bail for four 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 Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned JM 1st class, Sitamarhi in connection with C-1/ 763/2015 subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned court below will make an enquiry of the fact that whether the petitioner has performed marriage with the complainant. If on enquiry it is found that the petitioner has not performed marriage with the complainant, then the provisional bail of the petitioner shall be confirmed by the learned court below but if it is found that the petitioner has performed marriage with the complainant then the petitioner shall surrender and pray for regular bail.

(Dinesh Kumar Singh, J)

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