

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.35770 of 2016**

Arising Out of PS.Case No. -358 Year- 2013 Thana -MADHEPURA COMPALINT CASE District-  
MADHEPURA

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1. Chhotu Malakar @ Chhotu Kumar son of Chamak Lal Malakar, resident of Village- Purvi Thatha, P.S.- Mansi, District- Khagaria.

.... .... Petitioner/s

Versus

1. The State of Bihar.  
2. Kavita Kumari W/o Chhotu Malakar @ Chhotu Kumar daughter of Mangen Malakar resident of Village- Phulaut, P.S.- Chausa, District- Madhepura.

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

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**Appearance :**

For the Petitioner/s : Mr. Sunil Kumar Singh

For the Opposite Party/s : Mr. Nawal Kishore Prasad

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

2      23-08-2016                      Heard learned counsels for the petitioner and the State.

The petitioner being husband of the complainant is languishing in custody since 23.4.2016 in a complaint case in which process has been directed to be issued after cognizance being taken under Sections 494 and 498A of the Indian Penal Code and section 4 of Dowry Prohibition Act.

The basic accusation is of torture for non fulfillment of dowry demands and performance of second marriage.

It is submitted by the learned counsel for the petitioner that the petitioner was forced to marry with the complainant though he was married from before against which Complaint Case

No. 538C of 2013 was preferred with accusation under section 363 IPC against the family members of the complainant wherein cognizance was taken under the aforesaid section of the Code. More over, the investigation has already concluded.

Considering the case lodged by the petitioner side at earlier point of time and the investigation being concluded, let the above named petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Udakishunganj (Madhepura) in connection with Complaint Case No. 358 of 2013.

**(Dinesh Kumar Singh, J)**

Anil/-

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