

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39883 of 2015

Arising Out of PS.Case No. -286 Year- 2015 Thana -BHABHU(KAIMUR) COMPLAIN C District-
BHABHUA (KAIMUR)

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Pritam Kumar Singh @ Rahul

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Pathak

For the Opposite Party/s : Mr. Yogendra Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 15-01-2016 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, 323 and 406/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

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

It is submitted by learned counsel for the petitioner that the petitioner disputes the factum of marriage whereas it is submitted by learned counsel for the complainant that the complainant performed love marriage with the petitioner in the temple and there are bunch of photographs suggesting the performance of marriage.

Since the factum of marriage is in dispute, 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 ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned ACJM, Bhabua (Kaimur) in connection with Complaint Case No. 286 of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned court below conduct an enquiry and decide the issue of marriage between the petitioner and the complainant as preliminary one within a period of three months and if the learned court below comes to a conclusion that marriage between the petitioner and the complainant was never performed then the provisional bail of the petitioner will be confirmed by 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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