

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26846 of 2016

Arising Out of PS.Case No. -35 Year- 2015 Thana -MAHILA P.S. District- MADHUBANI

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Ganesh Mahto Son of Ram Singh Mahto Resident of Village Khadagwani
Khanua Toli P.S. Babubarhi Distt. Madhubani

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Soban Asghar

For the Opposite Party/s : Mr. Sri Anuj Kumar Srivastava

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 29-06-2016

Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 498A, 341, 323, 494 and 379/34 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 three months, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the

satisfaction of the learned SDJM, Madhubani in connection with Madhubani Mahila P.S. Case No. 35 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 between the parties and if the learned court below comes to the conclusion that the petitioner never married with the informant 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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