

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21570 of 2016

Arising Out of Complaint Case No.. -1375 Year- 2015 Thana -PATNA COMPLAINT CASE
District- PATNA

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Deepak Malakar @ Deepak Kumar, aged about 25 years, S/o- Late
Nageshwar Malakar,

.... Petitioner/s

Versus

1. The State of Bihar.

2. Rinki Kumari, W/o.- Deepak Malakar, D/o.- Late Aklu Bhagat,

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Hirday Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 16-05-2016

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 Section 498A of the Indian Penal Code.

Basic accusation is of torture.

Learned counsel for the petitioner submits that the petitioner disputes the factum of marriage.

Though, the impugned order suggests that some certificate was issued by the Mukhiya showing the marriage of the petitioner with the complainant in a temple in presence of Panches.

Considering the factum of marriage 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 SDJM, Danapur, Patna, in connection with Complaint Case No.1375 C/2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The learned court below will decide the factum of marriage as a preliminary issue within a period of four months and if the learned court below comes to the conclusion that the petitioner has never married with the complainant then provisional bail 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)

Ashwini/-

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