

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38680 of 2015

Arising Out of PS.Case No. -189 Year- 2015 Thana -JOGAPATTI District-
WESTCHAMPARAN(BETTIAH)

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1. Saidullah Ansari son of Bhola Mian, resident of village- Dihi Dabelwa,
P.S.- Jogapatti, District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Afsana Khatoon wife of Saidullah Ansari, daughter of Haroon Mian,
resident of Village- Dhokrahan, P.S.- Majhauria, District- West Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate
For the Opposite Party/s : Mr. Ramesh Chandra (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

6 26-04-2016 Heard learned counsel for the petitioner and the
State.

The petitioner being the husband of the
informant is apprehending his arrest in a case registered
for the offences punishable under Section 498A of the
Indian Penal Code and 3/4 of the Dowry Prohibition Act.

The basis accusation is of torture for non-
fulfillment of dowry demand.

It is submitted by learned counsel for the
petitioner that petitioner disputes the factum of marriage.
The informant was married with Nazir Mian, the elder
brother of the petitioner. The identity card issued by the
Election Commission of India and also the voters list at

serial no. 1109 her husband's name figures as Nazir Mian.

It is submitted by the learned counsel for the informant that though there is no proof with regard to marriage, but the specific accusation has been levelled against the petitioner. It is claimed by the informant that her marriage was solemnized with the petitioner and he tortured her.

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 his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Bettiah, West Champaran in connection with Jogapatti P.S. Case No. 189 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Let, the learned court below decide as the preliminary issue of factum of marriage between the petitioner and informant. If the learned court below comes to the conclusion that the petitioner was never married with the informant, then his provision bail will be confirmed, but if the learned court below come to the conclusion otherwise, then the

petitioner will surrender and pray for regular bail.

(Dinesh Kumar Singh, J)

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