

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22055 of 2016

Arising Out of PS.Case No. -69 Year- 2016 Thana -BELAGANJ District- GAYA

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Deepak Kumar Son of Birendra Singh resident of village - Nimchak P.S.
Belaganj, District - Gaya

.... Petitioner/s

Versus

1. The State of Bihar
2. Sushma Devi Wife of Late Senapati resident of village - Malya Sahopur,
P.S. Tekari, District - Gaya

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bindeshwar Prasad Singh

For the Opposite Party/s : Mr. Raj Ballabh Singh (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 28-06-2016 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, 323 and 504/34 of the Indian Penal Code.

The basic accusation is of torture. Prosecution case is that the petitioner performed marriage with the informant after death of her first husband and subsequently female child was born out of wedlock but now the petitioner performed second marriage.

It is submitted by learned counsel for the petitioner that the petitioner denies the factum of marriage.

Learned counsel for the informant has brought on record the affidavit in proof of marriage which is Annexure-A to

the counter affidavit.

Considering the aforesaid facts, 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 C.J.M., Gaya in connection with Belaganj P.S. Case No. 69 of 2016, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned court below conduct an enquiry with regard to factum of marriage between the parties and if the learned court below comes to the conclusion that the petitioner has not performed marriage with the informant then the provisional bail of the petitioner will be confirmed by the learned court below otherwise the petitioner will surrender and pray for regular bail.

(Dinesh Kumar Singh, J)

Amrendra/-

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