

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.41735 of 2015

Arising Out of PS.Case No. -30 Year- 2015 Thana -MAHILA P.S. District- NALANDA
(BIHARSHARIFF)

Raj Kumar Bind Son of Buddhan Bind Resident of village - Ishakpur, P.S.
Telhara, District - Nalanda

.... Petitioner/s

Versus

- 1. The State of Bihar
- 2. Sonamanti Devi Daughter of Sita Ram Bind Resident of village - Khaj
Etwarsarai, P.S. Rahui, District - Nalanda

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vibhuti Ranjan Sonvadra
For the Opposite Party/s : Mr. Md.Iftekhari Mahmood(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

04/ 22-02-2016 Heard learned counsels for the petitioner and the
State.

The petitioner is apprehending his arrest in a
case registered for the offences punishable under Sections 341,
342, 323, 504, 506, 379, 498A, 494/34 of the Indian Penal Code
and 3/4 of Dowry Prohibition Act.

The prosecution case is of torture for non-
fulfillment of the dowry demand. Further case of the informant

is that initially she was married with one Lalan Bind but after his death in 2007 she got married with the petitioner and gave birth to a child.

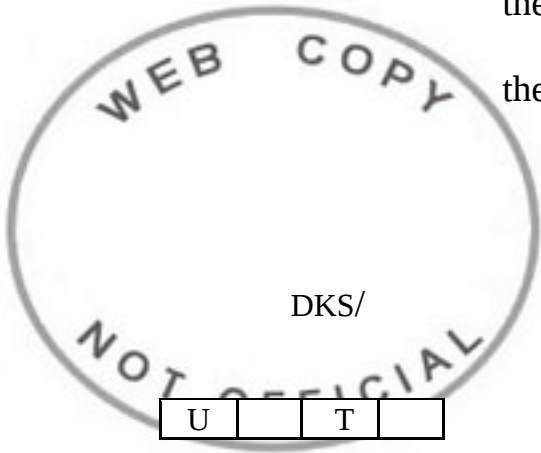
Counsel for the petitioner dispute the factum of marriage. The informant has performed married with Rajiv Bind after death of her first husband Lalan Bind who happens to be brother of Lalan Bind.

Considering the fact that the factum of marriage is in dispute and the issue is not likely to be reconciled at present, let the above named petitioner be released on anticipatory bail provisionally for four month in the event of his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda at Biharsharif in connection with Mahila P.S. Case No. 30 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Let the learned court below conduct an enquiry with regard to the factum of marriage. If the learned court below comes to a conclusion that the petitioner has 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 a conclusion otherwise then the petitioner will surrender and pray for regular bail.



(Dinesh Kumar Singh, J.)