

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32630 of 2016

Arising Out of PS.Case No. -18 Year- 2015 Thana -MAHILA P.S. District- BANKA

Munna Kumar, son of Shiv Nandan Thakur

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha, Advocate

For the Opposite Party/s : Mr. Sri Anand Kishore Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 03-08-2016

Heard learned counsels for the petitioner and the State.

The petitioner is languishing in custody since 03.06.2016 in a case registered for the offences punishable under sections 498A, 341, 323, 504/34 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

Basic accusation is of torture for non-fulfillment of dowry demand. The petitioner has never performed marriage with the informant. In fact, one Bishundeo Thakur, misappropriated the money of the petitioner on the pretext of providing employment but neither the employment was provided nor the money was returned. On demand being raised, Bishundeo Thakur set up the present informant to lodge the

present case.

The petitioner was granted provisional anticipatory bail vide Criminal Miscellaneous No.35986/2015 considering the factum of marriage in dispute with a direction to the learned court below to conduct an enquiry with regard to the factum of marriage of the petitioner with the informant. It was further directed that if during the enquiry it transpires that the petitioner has not performed marriage with the informant, then the provisional bail of the petitioner was directed to be confirmed by the learned Court below but the petitioner was supposed to surrender before the learned Court below if learned Court below comes to the conclusion otherwise.

In view of the fact that the learned Court below during enquiry found that the petitioner has performed marriage with the informant, the petitioner surrendered on 03.06.2016 before the learned Court below itself and since then he is languishing in custody.

Considering the nature of accusation and the period of the petitioner under custody, let the above named petitioner be released on bail, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like

amount each to the satisfaction of learned Judicial Magistrate, 1st
Class, Banka, in connection with Banka (Mahila) P.S. Case
No.18/2015.

(Dinesh Kumar Singh, J)

Ashwini/-

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