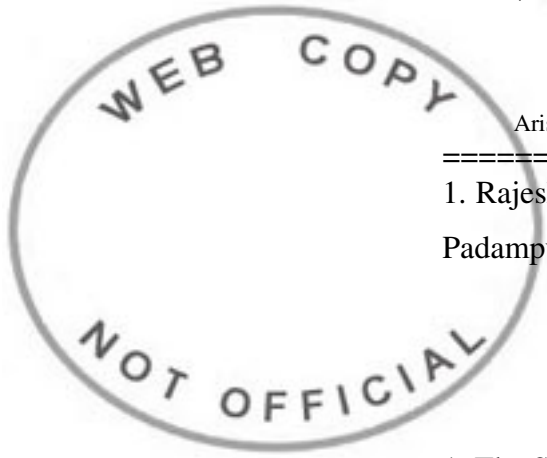




IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45512 of 2015

Arising Out of PS.Case No. -30 Year- 2014 Thana -MAHILA P.S. District- SAHARSA

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1. Rajesh Yadav @ Rajesh Kumar son of Binod Yadav resident of village -
Padampur, P.S. - Bihra, District - Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar.

2. Kalpana Devi d/o Rajesh Yadav @ Raja Yadav resident of village -
Padampur, P.S. - Bihra, District - Saharsa.

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Amarnath Jha, Advocate
For the Opposite Party/s : Mr. Ajay Kumar 1(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 27-06-2016 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 Sections 498A, 313/34 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 and getting the pregnancy of

the informant terminated.

It is submitted by the learned counsel for the petitioner that petitioner disputes the factum of marriage. Statement to that effect has been made in para-6 of the petition which reads as follows:-

“That there is specific denial of the marriage with opposite party no. 2 on behalf of the petitioner.”

Notices were issued to opposite party no. 2 vide order dated 24.09.2015. The service report at Flag-A reflects that notices were validly served by the mother of opposite party no. 2. On submission of the petitioner that opposite party no. 2 is residing with her mother. The notice issued to opposite party no. 2 is deemed to be validly served. On 05.04.2016 also the opposite party no. 2 did not appear. Hence, as a last indulgence, the matter was adjourned for 23rd June, 2016. Today also none is appearing on behalf of opposite party no. 2.

Considering the factum of marriage is in dispute, let the above named petitioner be released on bail 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 Chief Judicial Magistrate, Saharsa in connection with

Saharsa Mahila P.S. Case No. 30 of 2014, subject to conditions
as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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