

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49665 of 2015

Arising Out of PS.Case No. -1616 Year- 2014 Thana -PURNIA COMPLAINT CASE District-
PURNIA

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Ashok Kumar Sah Son of Shankar Prasad Sah resident of Mohalla- K. Hat,
P.S. Sahayak (K.Hat) ward No. 27,District Purnea.

.... Petitioner

Versus

1. The State of Bihar
2. Reena Devi D/o late Gyanchand Raut, Resident of Mohalla- Argara
Chowk, Madhubani P.S K.Hat, Purnea District Purnea.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Bijendra Kumar Singh, Advocate.
For the Opposite Parties : Mr. Ashok Kr.Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 28-04-2016 Heard learned counsel for the petitioner and the State.

The petitioner being the husband of the complainant is apprehending arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Sections 498A, 323 and 504 of the Indian Penal Code.

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

Learned counsel for the petitioner submits that the petitioner dispute the factum of marriage.

However, counsel for the complainant submits that the complainant claims to have performed marriage with the petitioner

though at present the complainant has no substantive proof of marriage.

Considering the fact that factum of marriage is in dispute, let the above named petitioner be released on provisional anticipatory bail for six months in the event of 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 the Learned Sub-Divisional Judicial Magistrate, Purnea in connection with C.A. Case No. 1616 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Let the learned court below decide the factum of marriage as preliminary issue within a period of six months. The learned court below will confirm the provisional anticipatory bail of the petitioner if it comes to a conclusion that the petitioner has not performed marriage with the complainant but if the learned court below comes to a conclusion otherwise the petitioner will surrender and pray for regular bail.

(Dinesh Kumar Singh, J.)

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