

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 49420 of 2016

Arising Out of PS.Case No. -99 Year- 2016 Thana -KATIHAR COMPLAINT CASE District-
KATIHAR

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Prakash Kumar Yadav, son of Panchanand Yadav, Resident of Village – Narayanpur, Post Office – Mukuriya, Police Station – Azamnagar, District – Katihar.

.... Petitioner

Versus

1. The State of Bihar
2. Tuntuni Kumari Saha @ Kabita Kumari Saha, D/o Nitai Chandra Sah and W/o Prakash Kumar Yadav, Resident of Village – Narayanpur, Post Office – Mukuria, Police Station – Azamnagar, District – Katihar.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Sandeep Patil
For the Opposite Party/s : Mr. Kanhaiya Kishore
Mr. Deepak Kumar

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2. 16-12-2016 Heard Sri Sandeep Patil, learned counsel for the petitioner, learned Addl. Public Prosecutor as well as Sri Deepak Kumar, learned counsel, who has voluntarily appeared on behalf of complainant/opposite party no. 2.

The sole petitioner, apprehending his arrest in Complaint Case No. 99 of 2016 registered for offence under Section 498(A) of the Indian Penal Code and Section 4 of the Dowry Prohibition Act, 1961, has prayed for grant of bail in the event of arrest or surrender.

It was submitted by learned counsel for the petitioner that marriage of complainant with petitioner was never



solemnized. Even then, a complaint has been filed, as if, the petitioner has solemnized marriage with the complainant and thereafter, administered torture. He submits that in the complaint petition itself, it was disclosed that marriage of complainant with petitioner was solemnized on 22-08-2015 in a temple and thereafter, an affidavit was sworn on 02-09-2015 to the effect of marriage and thereafter, only on 27-12-2015, the complainant was tortured and ousted from the matrimonial house.

Since dispute has been raised regarding solemnization of the marriage, the Court is of the opinion that at least it is a fit case for extending the privilege of anticipatory bail.

Accordingly, in the event of arrest or surrender within a period of six weeks from today, let the petitioner namely Prakash Kumar Yadav be enlarged 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 Sub Divisional Judicial Magistrate, Katihar in connection with Complaint Case No. 99 of 2016, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Rakesh Kumar, J.)

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