

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41639 of 2016

Arising Out of PS.Case No. -102 Year- 2016 Thana -MADHEPURA COMPALINT CASE District-
MADHEPURA

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Shankar Kumar @ Ravishankar Kumar Son of Ramesh Yadav resident of
village - Rajani, Ward No. 6, P.S. - Murliganj, District - Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Mannu Devi Wife of Shankar Kumar, d/o Shivnath Yadav resident of
village - Rajani, Ward No. 6, P.S. - Murliganj, District - Madhepura, at
present village - Chamgarh Bhatta P.S. Murliganj, District - Madhepura.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amarnath Jha

For the Opposite Party/s : Mr. Sri Binod Kumar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

05/ 27-02-2017

Heard learned counsels for the petitioner, State
and the complainant-opposite party no. 2.

The petitioner is apprehending his arrest in a
complaint case wherein processes have been directed to be
issued after cognizance being taken for the offences punishable
under Section 498A of the Indian Penal Code.

The basic accusation is of torture.

It is submitted by learned counsel for the
petitioner that the petitioner denies the factum of marriage with
the complainant. Statement to that effect has been made in
paragraph no. 8 of the petition, which reads as follows:-

“That the petitioner is alleged to be the



husband while he denies the marriage with the O.P. No. 2.”

It is further submitted by learned counsel for the petitioner that the similar was the stand of the petitioner before the learned court below.

The matter was earlier adjourned on the prayer of the counsel for opposite party no. 2 to produce evidence with regard to the marriage but the counsel for the complainant submits that the complainant has no evidence with regard to marriage.

In the circumstances, it is difficult in the present proceeding to decide the issue whether the petitioner and the complainant are married or not.

In the circumstances, let the above named petitioner be released on anticipatory 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 bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhepura in connection with Complaint Case No. 102 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.



Considering the nature of accusation, it is expected from the learned trial court to conclude the trial within a period of one year.

(Dinesh Kumar Singh, J.)

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