

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33325 of 2017

Arising Out of PS.Case No. -40 Year- 2014 Thana -ARER District- MADHUBANI

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1. Md. Ejaz @ Md. Azaz @ Ejaj Son of Md. Kuddus, R/o Village-
Madhwapatti, P.S.- Arer, District- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Manisha Khatoon W/o Md. Ejaz @ Md. Azaz @ Ejaj, D/o Md. Sabbir,
R/o Village- Madhwapatti, P.S.- Arer, District- Madhubani.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimal Kumar
For the Opposite Party/s : Mr. Sri Ajay Kumar -2
For opposite party no. 2 : Mr. Obaidur Rahma

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 09-08-2017 The petitioner seeks regular bail in connection with Arer

P.S. Case No. 40/14, registered for offences punishable under

Section 498A/34 of the Indian Penal Code and Section 3/4 of the

Dowry Prohibition Act.

Allegation against the petitioner is of demand of dowry
and cruelty to opposite party no. 2.

It has been submitted on behalf of the petitioner that
though the DNA report has come in favour of the opposite party
no. 2, however, the same does not prove the factum of marriage as
no evidence has been brought on record by opposite party no. 2 to
show that petitioner has ever married with her. Further opposite
party no. 2 is the cousin sister of brother-in-law of the petitioner
and only to put pressure for marriage, she has filed the present



false case.

Learned counsel for the State as well as learned counsel for the informant has opposed the prayer for bail and submitted that the marriage of the informant was solemnized with the petitioner according to muslim rites and rituals and DNA report has also come in favour of opposite party no. 2.

Having heard both sides, in view of peculiar facts and circumstances of the case and the nature of allegation, at present, I am not inclined to release the petitioner on bail, his application for regular bail is, accordingly, rejected.

However, the trial court is directed to expedite the trial and try to conclude it within a period of four months even by conducting the same on day to day basis and if the trial is not concluded within the aforesaid period, the petitioner will be at liberty to renew his prayer for bail in the court below itself.

At the same time, both the parties are directed to fully cooperate in the Trial so that the trial can be concluded within the aforesaid period.

(Vinod Kumar Sinha, J)

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