

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27814 of 2019

Arising Out of PS. Case No.-894 Year-2016 Thana- AURANGABAD COMPLAINT CASE
District- Aurangabad

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Sheo Bhuiyan, Son of Ram Pravesh Bhuiyan, Resident of Village- English
Tole Sundar Bigha, P.S.- Barun, District- Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Lilawati Devi, Wife of Sheo Bhuiyan Resident of Village- English Tole
Sundar Bigha, P.S.- Barun dist.- Aurangabad.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bachan Jee Ojha, Advocate

For the Opposite Party/s : Mr.Arun Kumar Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL ORDER

2 29-04-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

In this case, the petitioner is seeking anticipatory bail
in connection with Complaint Case No.894/2016 (Trial
No.1640/2017), registered for the offence punishable under
Sections 323, 498 A of the Indian Penal Code and Section 4 of
Dowry Prohibition Act.

Counsel for the petitioner submits that the
complainant has entered into a second marriage with her own
will with another person of Madanpur Police Station, which is
apparently clear from the certificate dated 21.02.2019
(Annexure-3) granted by Sarpanch of Gram Panchayat-Tengra,



P.S.-Barun, District-Aurangabad.

Looking to the entire facts and circumstances of the case, let the petitioner, above-named, be released on **provisional anticipatory bail** in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Aurangabad in connection with Complaint Case No.894 of 2016 (Trial No.1640/2017) subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

The court below is directed to hold an inquiry after issuing a notice to the complainant as to whether the complainant has entered into a second marriage. If it is found that the complainant has entered into a second marriage, in that circumstances, the court below will make the provisional bail absolute and if it is found that the complainant has not entered into the second marriage, in that circumstances, his bail bond will be treated to have been cancelled.

(Shivaji Pandey, J)

V.K.Pandey/-

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