

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46399 of 2019**

Arising Out of PS. Case No.-92 Year-2018 Thana- HATHIDAH District- Patna

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JYOTI NARAYAN SINGH Son of Krishna Prasad Singh @ K.P. Singh
Resident of Village- Khanwa, Police Station- Narhat, District- Nawadah at
present Sanjay Nagar Road No.2, P.S.- Jakkanpur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Gajanan Mishra
For the Opposite Party/s : Mr. Mukeshwar Dayal

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

5 22-10-2019 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 498(a),
341, 323/34 of the Indian Penal Code and Section 3/4 D.P. Act.

Petitioner is said to be the husband of the
informant and is said to have tormented her over dowry
demand and drove her out of her marital house in association of
his family members.

Learned counsel for the petitioner submitted that the



petitioner has no concern with the aforesaid occurrence. Informant does not happen to be legally married wife of the petitioner. As a matter of fact, the petitioner had performed marriage with one Neha Kumari on 29.01.2018 in the temple and subsequently in course of proceeding to his house on the way, father and brother of the informant along with other accused persons kidnapped him and forcibly performed marriage with the informant. For cancellation of aforesaid marriage, the informant has filed petition under Section 11 of the Hindu Marriage Act in the Family Court of Patna, which is pending for disposal. Said Neha Kumari in her statement given before I.O. has also supported the factum of marriage with the petitioner. Said Neha Kumari is also on the family way with the petitioner. Petitioner has lodged the F.I.R. against the father of the informant and others for his kidnapping. Though the I.O. has submitted final form in the aforesaid case but he has filed protest petition which is pending for disposal. As a matter of fact, earlier the marriage of the petitioner was settled with the informant but any how it could not be performed and petitioner has returned the money taken from the father of the informant. Family members of the informant have not supported the factum of the marriage of the petitioner with the informant.



Hence, Petitioner may be enlarged on bail.

On the other hand learned APP for the State and learned counsel for the informant opposing the bail petition submitted that the petitioner had performed marriage with the informant and subsequently after marriage he demanded dowry and subjected the informant to various sorts of torture over dowry demand in association of his family members. The witnesses have also supported the occurrence. The priest of the temple has denied giving marriage certificate to the petitioner. Hence, petitioner does not deserve bail.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on 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 bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., Barh (Patna) in connection with Hathidah P.S. Case No. 92 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

Accordingly, the impugned order is set aside and this appeal stands allowed.

However, learned lower court is directed to conclude



the trial as expeditiously as possible and both the parties are expected to co-operate during the trial.

(Prakash Chandra Jaiswal, J)

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