

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.10552 of 2015

Arising Out of PS.Case No. -116 Year- 2014 Thana -GANDHIMAIDAN District- PATNA

Sanjeev Kumar S/o Late Mahesh Prasad Umar @ Mahesh Gupta resident
of village- Rohini, P.S.- Jasidih, District- Deoghar(Jharkhand.)

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Siddharth Harsh

For the Opposite Party/s : Mr. Sadanand Paswan (Spl.App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

03/ 02-04-2015

Heard learned counsels for the petitioner

and the State.

The petitioner is apprehending his arrest in
a case registered for the offences punishable under Sections
498A, 323, 504, 506/34 of the Indian Penal Code, 3/4 of Dowry
Prohibition Act and 3(1)(x)(xii) of SC/ST (Prevention of
Atrocities) Act.

It is alleged that the informant met with the
petitioner in a train. Subsequently they developed some sort
relationship and on promise of marriage the informant allowed
the petitioner to establish physical relationship, consequently the
informant got pregnant but the pregnancy was got terminated

and thereafter the petitioner refused to marry the informant.

It is submitted by learned counsel for the petitioner that even assuming the accusation the offence under Section 498A of the IPC is not made out as per the own admission of the informant the marriage was never performed. Moreover, even assuming that the petitioner and the informant being adult entered into some physical relationship that does not constitute any offence.

It is submitted by learned counsel for the informant that the petitioner established physical relationship maliciously and pregnancy was terminated. The petitioner and the informant filed application with the joint signature for getting the marriage registered before the Sub-Registrar, Patna, but the marriage was not registered since the petitioner failed to appear.

Considering the fact that it is not in dispute that the marriage between the petitioner and the informant was ever performed, 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 bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned

Chief Judicial Magistrate, Patna in connection with Gandhi
Maidan P.S. Case No. 116 of 2014, subject to the conditions as
laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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