

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15610 of 2015

Arising Out of PS.Case No. -52 Year- 2013 Thana -KHIRHAR District- MADHUBANI

Udai Chandra Bhandari @ Umesh Chandra Bhandari Son of Late Chalitrar
Bhandari resident of Village- Jhitki, P.s- khirhar, District- Madhubani.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nilesh Kumar

For the Opposite Party/s : Mr. Rina Sinha(App)

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

02/ 21-05-2015

Heard learned counsels for the petitioner,

State and the informant.

The petitioner is languishing in custody since 02.02.2015 in a case registered for the offences punishable under Sections 341, 323, 376, 498A, 379/34 of the Indian Penal Code and 3/4 of Dowry Prohibition Act.

The prosecution case is that the petitioner established physical relationship with the informant on promise of marriage three years prior to the institution of the case. Subsequently, the petitioner married with the informant on 29.03.2012 in a temple and affidavit was sworn to that effect. The petitioner took the informant to his house where she stayed for 20 days and thereafter the petitioner went to Delhi for employment and the family members of the petitioner ousted her from the

house and demanded dowry.

It is submitted by learned counsel for the petitioner that even assuming the accusation levelled by the informant no offence under Section 376 of the IPC is made out. Admittedly the informant was major and established physical relationship with consent. There is no substantive proof with regard to the marriage and the investigation has already concluded.

It is submitted by learned counsel for the informant that the accusation is further fortified by the informant through her statement under Section 164 Cr.P.C.

Considering the nature of accusation and the fact that the investigation has already concluded, let the above named petitioner, be released on bail 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, Madhubani in connection with Khirhar P.S. Case No. 52 of 2013.

(Dinesh Kumar Singh, J)

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