

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41418 of 2015

Arising Out of PS.Case No. -9 Year- 2012 Thana -HARIZAN District- MUNGER

=====

1. Raju Singh, S/o- Ram Badan Singh, Resident of Village- Quarter No. 596
Rampur Colony, P.S.- Jamalpur, District- Munger.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh

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

=====

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 15-09-2015 Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor for the State.

Petitioner happens to be husband of the informant,
who solemnized inter-caste marriage with the petitioner on 10-06-
2010 but later on, the family members of the petitioner refused to
accept the informant as she belongs to scheduled caste community
and also demanded Rs. 2,00,000/- (two lacs) and a motorcycle in
dowry and when the aforesaid demand was not fulfilled, the
informant and her family members were assaulted and humiliated.

Initially, the case was registered u/Ss 341, 323, 504,
354, 498A of the Indian Penal Code and Sections-3/4 of Dowry
Prohibition Act as also Sections-3(i)(x)(xii) of SC/ST (Prevention
of Atrocities) Act.

Contention on behalf of the petitioner is that neither Section-376 nor Section-354 of the Indian Penal Code is applicable in the present case. According to the prosecution case itself, the informant being major, solemnized her marriage with the petitioner and established physical relationship with petitioner and so far as application of SC/ST (Prevention of Atrocities) is concerned; the same is also not applicable in the present case because the informant was never humiliated by the petitioner due to her caste.

Considering the above-said submission as well as facts and circumstances of the case and also taking note of this fact that the petitioner is in jail custody since 24-07-2015, let the petitioner named above, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with SC/ST (Munger) P.S. Case No. 09 of 2012 to the satisfaction of learned Chief Judicial Magistrate, Munger.

(Hemant Kumar Srivastava, J)

A.K.V./-

U		T	
---	--	---	--