

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5922 of 2016

Arising Out of PS.Case No. -161 Year- 2013 Thana -PALIGANJ District- PATNA

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1. Rohit Kumar son of Late Nirmal Yadav resident of village Baheriya
Nirakhpur, P.S.- Paliganj, District- Patna

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Paras Nath, Advocate

For the Opposite Party/s : Mr. Nawal Kishore Prasad (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 05-04-2016

Heard learned counsel for the petitioner and learned

A.P.P. representing the State.

The petitioner seeks bail in connection with Paliganj
P.S. Case No. 161 of 2013 registered for the offences punishable
under Section 376 of the Indian Penal Code and Section 34 of the
Dowry Prohibition Act.

Allegedly, the informant having love affairs with the
petitioner performed marriage in March, 2013 at Janakpur Dham,
Arwal, thereafter, both were living as husband and wife. Later on,
the petitioner told the informant to talk with grand-father and
sister and then by way of gift Rs. 25,000/- was given but they
demanded more, resulting due to non-payment, the petitioner is
now refusing to keep the informant.

Submission is of false implication and that no offence
under Section 376 IPC is made out, it is simple a case under

Section 3/4 of Dowry Prohibition Act, the petitioner is always ready to keep the informant as his wife with all dignity but the informant has arranged marriage with another person again which is evident from annexure-4 which is the statement of the informant recorded under Section 164 Cr.P.C. in Arwal P.S. Case No. 125 of 2015 and, as such, the petitioner deserves sympathetic consideration as he is suffering in custody since 10.10.2015.

The learned A.P.P. opposes the prayer of bail.

In the facts and circumstances stated above, considering the custody of the petitioner, now he is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Danapur, Distt. Patna in connection with Paliganj P.S. Case No. 161 of 2013 subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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