

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.33258 of 2016**

Arising Out of PS.Case No. -30 Year- 2016 Thana -MAHILA P.S. District- SAHARSA

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Raushan Kumar, son of Ramdev Prasad Yadav, resident of Village-  
Gadhiya, P.S. Bhaptiyahi, District- Supaul

.... .... Petitioner

Versus

The State of Bihar

.... .... Opposite Party

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**Appearance :**

For the Petitioner/s : Mr. Pravin Kumar Sinha

For the Opposite Party/s : Mr. Sri Ajit Kumar

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**CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR**  
**ORAL ORDER**

4 17-11-2016

Heard learned counsel for the petitioner, Sri Ajit

Kumar, learned Addl. Public Prosecutor and Sri Chandra Mohan  
Jha, learned counsel, who has voluntarily appeared on behalf of  
the informant.

The petitioner, apprehending his arrest in Saharsa  
Mahila P.S. Case No.30/2016 registered for the offence under  
Sections 498(A), 323, 376, 379, 504, 506/34 of the Indian Penal  
Code and Sections 3 and 4 of the Dowry Prohibition Act, has  
prayed for grant of bail, in the event of his arrest or surrender.

At the very outset, learned counsel for the petitioner  
submits that either the petitioner can be prosecuted for the offence  
under Section 498(A) and other allied Sections of the Indian Penal  
Code as well as Dowry Prohibition Act or he can be prosecuted

for the offence under Section 376 of the Indian Penal Code. In this case, earlier the case diary was called for, which has been received.

I have perused the case diary. After going through the material available in paragraph nos. 4,9, 19 and 35 of the case diary, it appears that after thorough investigation, the Supervisory authority has found that it is a case under Section 376 of the Indian Penal Code.

Keeping in view the fact that there is specific accusation against the petitioner, there is no reason to extend the privilege of anticipatory bail. The petition stands dismissed.

**(Rakesh Kumar, J)**

NKS/-

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