

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38833 of 2016

Arising Out of PS.Case No. -33 Year- 2016 Thana -MAHILA PS District- GAYA

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Dharmendra Kumar, Son of Ishwar Prasad @ Ishwar Prasad Gupta, resident
of Pethiya Bazar, Police Station Phulwarisharif, District – Patna.

.... Petitioner.

Versus

The State of Bihar

.... Opposite Party.

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Appearance :

For the Petitioner : Mr.
For the State : Mr.
For the Informant : Mr.

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**
ORAL ORDER

3 17-10-2016 Heard.

The petitioner apprehends his arrest in connection with
Mahila P.S. Case No.33 of 2016 registered under Sections 376 and
313/34 of the Indian Penal Code.

The accusation is that the husband of the informant died
in a road accident in the year 2011. After the death of the husband
of the informant, Munna Kumar, the brother-in-law (dewar),
Savitri Devi, Mother-in-law, Ishwar Prasad, the father-in-law and
Dharmndra Kumar, the elder brother-in-law (petitioner) of the
informant convinced the informant to perform marriage with
Munna Kumar. While the informant made protest but on
convincing of the family members, she agreed for the same.

Thereafter, Munna Kumar made physical relationship with the informant several years, as a result whereof, she conceived pregnancy. When the informant asked Munna Kumar to perform marriage, Munna Kumar and his parents and brother Dharmendra Kumar (petitioner) asked her for abortion but the informant refused, however, they forcibly got aborted pregnancy of the informant. The informant approached the consultancy centre and requested for compromise where Munna Kumar filed an affidavit to perform the marriage with the informant but, later on, refused to perform the marriage with the informant.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is the elder brother-in-law of the informant and has falsely been implicated in this case only to put pressure upon him so that the petitioner may pursue his brother Munna Kumar to perform the marriage with the informant. Further submission is that it would appear from the F.I.R. itself that the allegation of developing physical relationship with the informant on the pretext of perfuming marriage is against Munna Kumar and not this petitioner.

Having considered the facts and the circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender by him within six weeks from today, be enlarged on

bail on his furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the A.C.J.M-I, Gaya, in connection with Mahila P.S. Case No.33 of 2016, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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