

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37766 of 2017

Arising Out of PS.Case No. -194 Year- 2016 Thana -TEKARI District- GAYA

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1. Sani Dev Kumar @ Sani Dev Son of Suresh Kumar R/o Village- Dubhal
Dhanawa, P.S.- Magadh Medical, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar Sinha

For the Opposite Party/s : Mr. Sri Zainul Abedin

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 30-08-2017 Heard the parties.

The petitioner seeks regular bail in connection with
Tekari P.S.Case No.194 of 2016, registered for offences
punishable under Sections 376 and 493 of the Indian Penal Code
and Section 3 of the Dowry Prohibition Act.

Allegation against the petitioner is that he used to
make physical relation with the informant on the enticement of
getting married with her once he gets an employment, however,
after employment, he is not ready to marry with the informant and
also demanded money from the informant.

Submission of the learned counsel for the petitioner
is that the informant is major and she was consenting party in this
case also and further the petitioner is in custody for six months.



Learned counsel for the petitioner has also submitted that earlier the petitioner had moved for grant of anticipatory bail in Cr. Misc. No.24345 of 2017, in which he had not placed facts correctly.

Heard learned A.P.P. as well as the learned counsel for the informant. They have opposed the prayer for bail on the ground of age of the girl assessed on 27.7.2017 as 19 years and intercourse was made with her last two years ago, as such at the time of her first intercourse, she must be 17 years old, so she was minor at that time.

Having heard both sides and in view of the facts and circumstances, as stated above, and considering the facts of the case, let the petitioner above named, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-VI, Gaya in connection with Tekari P.S.Case No.194 of 2016.

With following conditions :

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall co-operate in disposal of trial and make himself available as and when required by the court. In the event of failure on his part to appear before the court



below on two consecutive dates without showing any genuine reason, his bail bond shall be cancelled.

With the aforesaid observation, this application is allowed.

(Vinod Kumar Sinha, J)

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