

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46033 of 2017

Arising Out of PS.Case No. -189 Year- 2017 Thana -SHIVSAGAR District- SASARAM
(ROHTAS)

=====

Uday Kumar son of Late Ram Bachan Ram, resident of village-Badaki
Khairi, P.S.-Sheosagar, District-Rohtas at Sasaram

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jai Prakash Singh, Advocate

For the State : Smt. Veena Rani Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 04-10-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks pre-arrest bail in connection with
Sheosagar P.S. Case No.189 of 2017 registered under Sections
376, 493 and 420 of the Indian Penal Code as well as Sections 3
and 4 of the Dowry Prohibition Act.

It is submitted by the learned counsel for the petitioner
that in view of the allegations made ingredient of the offence
under Section 376 of the Indian Penal Code would not be
attracted. He submitted that the complainant herself has stated
that she established physical relationship with the petitioner out of
her own and visited with him at different places. The complainant
being a matured lady wants to marry the petitioner, but the said
proposal has not been approved by the petitioner pursuant to



which a false case has been instituted.

Learned counsel for the State and learned counsel for the informant have opposed the prayer for grant of pre-arrest bail to the petitioner. It is submitted that there is allegation that on false pretext of marriage, the petitioner established physical relationship with the complainant and subsequently refused to marry her unless dowry of rupees seven lac is paid.

Considering the nature of allegation as also the fact that the case has been instituted pursuant to a complaint which was referred to the police under Section 156(3) of the Code of Criminal Procedure, the petitioner named above is directed to be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.,-II, Sasaram, Rohtas in connection with Sheosagar P.S. Case No.189 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, in the event of arrest or surrender before the court below within six weeks from today.

(Ashwani Kumar Singh, J)

Md.S./-

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