

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42323 of 2017

Arising Out of PS.Case No. -44 Year- 2017 Thana -GURARU District- GAYA

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Praveen Kumar Son of Pankaj Paswan, R/o Village- Rukunpur, P.S.-
Guraru, District- Gaya.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pravin Kumar

For the Opposite Party/s : Mr. Sri Brajendra Nath Pandey

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 09-11-2017 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

Petitioner seeks bail in connection with Guraru P.S.
Case No. 44 of 2017 for offences punishable under Sections 493,
376, 504, 120-B of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that she was having love affair with the petitioner who had
promised to marry her but later on the petitioner's parents
demanded registry of her house and three lacs as dowry. She
alleged that the petitioner who was neighbor established physical
relation with her for about one year on the pretext of marriage.



It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and the victim informant was a major and it was a consensual relationship hence no case under the aforesaid Sections is made out against the petitioner. He submits that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner.

However, learned counsel for the informant and learned APP for the State vehemently oppose the prayer for bail stating therein that although it was a consensual relationship but as per Section 90 of the I.P.C. the said relationship was established on the misconception of marriage hence such fraudulent act cannot be said to be consensual as later on the petitioner refrained to marry the informant. In this connection, learned counsel for the informant refers to a case reported in A.I.R. 2013 S.C. 2071 (Deepak Gulati Vs. State of Haryana).

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on completion of six months in custody on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief



Judicial Magistrate-Vth Gaya, in connection with Guraru P.S.

Case No.44 of 2017, subject to the conditions that:

(1) Both bailors would be close relative of the petitioner having sufficient immovable property, who will file an affidavit stating their relationship with the petitioner.

(2) Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

Devendra/-

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