

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38639 of 2017

Arising Out of PS.Case No. -90 Year- 2016 Thana -HATHAURI District- SAMASTIPUR

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1. Praveen Kumar S/o Ram Chandra Singh resident of Village - Ranna, P.S.
- Hathori (Shivajee Nagar O.P.), District - Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar

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

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 19-08-2017

Heard the parties.

The petitioner seeks regular bail in connection with G.R.No.3235 of 2016 arising out of Hathori (Shivjee Nagar) P.S.Case nO.90 of 2016, registered for offences punishable under Sections 420, 406, 376, 498A, 313, 315, 504, 323 and 386 of the Indian Penal Code.

Allegation against the petitioner as per F.I.R. is that the petitioner enticed the daughter of the informant and committed rape upon her on the pretext of getting married with her but later on when she became pregnant, he get the same miscarriage. Further allegation is that when the informant went to talk with him about marriage, petitioner demanded dowry from him.



Submission of the learned counsel for the petitioner is that no case is made out under Section 498A of the IPC and even according to the F.I.R. marriage has not been solemnized. According to the FIR, the occurrence has been committed in the year, 2015 and miscarriage was made in the month of March, 2016 but the present case has been lodged in the month of December, 2016.

Heard learned A.P.P. also.

Having heard both sides and in view of the fact that the petitioner is in custody for 3 ½ months, as such, 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 Special Judge, POCSO Act, Samastipur in connection with G.R.No.3235 of 2016 arising out of Hathori (Shivajee Nagar) P.S.Case No.90 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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