

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28225 of 2017

Arising Out of PS.Case No. -265 Year- 2016 Thana -JEHANABAD COMPLAINT CASE District-
JEHANABAD

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Md. Sadam Hussain Son of Md. Sultan, resident of Village- Dumra, P.S.-
Chandouti, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Seema Sawa, Daughter of Md. Wazir resident of Village- Dumra, P.S.-
Chandouti, District- Gaya. At Present Residing at Village- Garedia Khurd,
P.S.+ District- Jehanabad, Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ganesh Prasad Singh, Advocate
For the State : Mr. Braj Kishore Prasad, A.P.P.
For the Informant : Mr. Paras Nath, Advocate

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

2 07-07-2017 Heard learned counsel for the petitioner, the State and
the complainant.

The petitioner apprehends his arrest in a case registered
for the offence punishable under Sections 379 and 498 A of the
Indian Penal Code and Section 34 of Dowry Prohibition Act.

It is contended on behalf of the petitioner that, as per the
complaint petition, the petitioner has forced and coerced her to
marry him. It is also stated in the complaint petition that they had
married before the Notary by signing affidavit which cannot be
treated as a marriage. It is further stated that 15 days earlier, First
Information Report was lodged by her against the family members
of this petitioner in which she has stated she loves the petitioner
and she wants to marry him but the father of the petitioner is not



allowing that. It is contended that there is much variation in the statement made by her in the FIR and in the present complaint case which was lodged 15 days later. It is urged that from the FIR and the complaint petition, it is writ large that there is no legal marriage between the petitioner and the complainant and if there was any physical relationship that was on consent of the complainant.

Learned counsel appearing for the informant has stated that ordinarily girl will never disclosed anything in the manner which has been disclosed, therefore, it should be considered as true.

Having regard to the facts and circumstances of the case, let the petitioner, above-named, be released on bail in the event of his arrest/surrender before the court below within a period of six weeks from today in connection with Complaint Case No.265 of 2016, on furnishing bail bond of Rs.10,000 (Ten Thousand Rupees) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Jehanabad subject to the conditions as laid down under sub-section (2) of Section 438 of the Code of Criminal Procedure.

(Dr. Ravi Ranjan, J)

V.K. Pandey/-

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