

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30855 of 2018

Arising Out of P.S.Case No. -121 Year- 2017 Thana -NAVHATTA District- SASARAM
(ROHTAS)

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Upendra Kumar, Son of Hari Nath Singh, Resident of Village- Mahua
Bigha, Police Station- Akorhi Gola, District- Rohtas.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dharmendra Kumar Singh

For the Opposite Party/s : Smt. Suman Kumari Singh

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

3 06-07-2018 Heard leaned counsel for the petitoenr as well as
learned APP for the State.

The petitioner is in custody in connection with
Nauhatta P.S.Case No.121 of 2017 registered for an offence under
Section 376 (Ka) of the IPC.

As per FIR, the informant has alleged that she had love
affairs with this petitioner and she voluntarily left the house and
married with this petitioner. After marriage, she was residing as
wife and husband but subsequently this petitioner started
demanded dowry, and on refusal, he ousted her from the house.

It has been submitted that the informant of this case is
sister-in-law of his elder brother and she has voluntarily married
with the petitioner in the year 2017. The petitioner has asserted in para-6
of this application that the informant and petitioner are husband and
wife and so no offence under Section 376 IPC is made out. He further



submits that the informant has lodged Akorhi Gola P.S.Case No.42 of 2017 for the offence under Section 498A of the IPC and after institution of said case, the present case has been lodged with false and frivolous allegation against the petitioner. The petitioner is in custody since 20.11.2017.

The learned APP opposed the submissions.

Considering the aforesaid facts and circumstances, prayer for bail is allowed. Let the above named petitioner 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 SDJM, Dehri-on-Sone, Rohtas at Sasaram in connection with Nauhatta P.S.Case No.121 of 2017 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 cooperate in the disposal of trial and make themselves available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail.

B.Kr./-

(Sanjay Kumar, J)

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