

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.65605 of 2018

Arising Out of PS.Case No. -287 Year- 2017 Thana -CHAUSA District- MADHEPURA

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Shorabh Gupta @ Saurav Kumar, son of Bijay Gupta, resident of village-
Chousa, Police Station- Chousa, District- Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Birendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Awadhesh Kumar Singh, APP

For the Informant : Mr. Alok Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2/ 06-11-2018

Heard learned counsel for the petitioner and learned

APP for the State and learned counsel for the informant.

Petitioner seeks bail in **Chousa P.S. Case No.287 of 2017** instituted for the offence under Section(s) 376, 498-A, 313, 379/34 Indian Penal Code and Section 3 of the Dowry Prohibition Act.

Counsel for the petitioner submits that petitioner is Dewar of the informant.

In the written report, it is alleged that after death of her husband, this petitioner established physical relationship with her on the pretext of performing marriage with her. She also became pregnant at one time, but she got abortion on the instruction of petitioner and her father-in-law and mother-in-law. It is further alleged that petitioner refused to perform marriage with the informant.



Counsel for the informant has submitted that learned Sessions Judge has mentioned that from the Medical Report of the Doctor feature of intercourse was present on the body of the informant.

From the written report, it appears that informant was a married lady. She has three years old son. From entire allegation in the written report, it appears that she was having physical relationship with the petitioner for long time. She became pregnant and got abortion done on his instruction. Therefore, it cannot be said that all things were done against her wishes.

Petitioner is in custody since 27.07.2018.

In the facts and circumstances of the case, prayer of the petitioner for grant of bail is allowed. Let the petitioner, above named, 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 the **Sub-Divisional Judicial Magistrate, Udakishunganj, Madhepura**, in connection with **Chousa P.S. Case No.287 of 2017**, subject to the condition that both the bailors shall be close relative of the petitioner.

(Sanjay Priya, J)

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