

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2848 of 2018

Arising Out of PS.Case No. -43 Year- 2017 Thana -MAHILA PS District- BUXAR

- =====
1. Rahul Kumar @ Rahul Kamkar, S/o Ashok Kamkar ,
 2. Ashok Kamkar, S/o Late Kashinath Kamkar,
 3. Neelam Devi, W/o Ashok Kamkar,
- All R/o Village- Kadipur, P.S.- Itarhi, Distt.- Buxar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bachan Jee Ojha, Advocate.

For the State : Dr. Rabindra Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 17-01-2018 Heard learned counsel for the petitioners and the State.

The petitioners apprehend their arrest in **Buxar (Mahila) P.S. Case No. 43 of 2017** instituted for the offence under Sections 376, 120(B) of the Indian Penal Code and Sections 3/4 of Dowry Prohibition Act..

The informant has stated her age in the *Fard-e-beyan* as 18 years. She has alleged that this petitioner on pretext of marrying her, established physical relationship with her, but he did not perform marriage and made demand of dowry along with his other family members.

Petitioner Nos. 2 and 3 are father and mother of



petitioner No. 1. From *Fard-e-beyan* itself it is apparent that the informant is major and even if the occurrence has been done as alleged, then it was with her consent.

Learned counsel for the petitioner has submitted that petitioner No. 1 has also filed a case against the informant and others vide Complaint Case No. 868 of 2017 for the offence under Sections 385, 342 and 323 of the Indian Penal Code and in sheer retaliation, the instant case has been filed by the informant.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioners is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today, in connection with **Buxar (Mahila) P.S. Case No. 43 of 2017**, they shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of **learned Sub Divisional Judicial Magistrate, Buxar**, subject to the conditions as laid down under Section 438 (2) Cr. P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and their absence on two consecutive dates without proper and reasonable



reason will be liable to cancel their bail bond and (3) if petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Sanjay Priya, J)

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