

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.29688 of 2018

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

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Shorabh Gupta @ Saurav Kumar, S/o Bijay Gupta, R/o Chousa, P.S.-
Chousa, District- Madhepura.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Uday Chand Prasad, Advocate.

For the State : Smt. Suman Kumari Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 15-05-2018 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is apprehending his arrest in a case for
the offence registered under Sections 376, 498(A), 313, 379/34 of
the IPC and ¾ of the D.P. Act.

The prosecution story, in brief, is that after death of
husband of the informant, Rubi Kumari, the accused persons
including the petitioner tortured her due to non-fulfilment of
demand of dowry. The petitioner being the Dewar of the victim
established physical relationship with her and when she became
pregnant then the petitioner and co-accused persons got aborted
her and when she started putting pressure upon her in-laws to
marry her with the petitioner then the in-laws assaulted the



informant very badly and told the informant that if her father will not give Rs. 10 Lacs as dowry, her marriage would not be solemnized with the petitioner. It is further alleged that the petitioner and her in-laws snatched gold ornaments worth Rs. 4,00,000/- from her and drove out from the matrimonial house.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case due to petty family dispute. The petitioner is the *Dewar* of the victim. Superficial allegations have been made against this petitioner. There is no substantive evidence to suggest the implication of the petitioner in the present case.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R/ complaint case. There is direct allegation against this petitioner in respect of commission of rape upon the victim. The victim is a widow lady.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioner. The same is rejected in connection with Chousa P.S. Case No. 287 of 2017, pending in the court of learned S.D.J.M., Udakishunganj, Madhepura. Anyhow, if the petitioner surrenders and prays for



regular bail in the court below, the same shall be considered by the learned court below on its own merit without being prejudiced by this order of the Court.

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(Sudhir Singh, J)

