

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.1104 of 2018

Arising Out of PS.Case No. -280 Year- 2016 Thana -MAKHDUMPUR District- JEHANABAD

Rakesh Ranjan, Son of Bhola Prasad Singh @ Bhola Prasad, resident of
Village- Lakhsambha, P.S.- Makhdumpur, District- Jehanabad.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Binod Kumar, Advocate

For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 18-01-2018

Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks pre-arrest bail in connection
with Makhdumpur P.S. Case No. 280 of 2016 registered under
Sections 304B read with 34 of the Indian Penal Code.

It is submitted by the learned counsel for the
petitioner that father of the victim has launched a malicious
prosecution against the petitioner. He submitted that the victim
is still alive and in course of investigation, she was recovered
and her statement was recorded under Section 164 of the Code
of Criminal Procedure wherein she has not whispered a word
against the petitioner rather she stated that she wants to live
peacefully in her *sasural*.



Learned counsel for the State submitted that the FIR was instituted on the basis of statement of the father of the victim wherein he had alleged that his daughter has been eliminated for non-fulfilment of demand of dowry. However, in course of investigation, it transpired that the victim is still alive and from the order impugned as well as the statement of the victim recorded under Section 164 of the Code of Criminal Procedure as contained in Annexure-3 to the application, it does not appear that it is case of dowry demand.

Having regard to the submissions made on behalf of the parties, in the event of arrest or surrender in the court below within six weeks from today, the petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Jehanabad in connection with Makhdumpur P.S. Case No.280 of 2016 subject to the conditions as laid down under Section 438(2) Cr. P.C.

(Ashwani Kumar Singh, J.)

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