

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37978 of 2018

Arising Out of PS. Case No.-29 Year-2018 Thana- MAHILA P.S. District- Patna

Deep Jyoti Raj @ Jyoti Raj @ Soni daughter of Sri Rajesh Kumar resident of
Village & P.O. - Parsa Bazar, Punpun, P.S. - Parsa Bazar, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Y.V. Giri, Senior Advocate Mr. Sumit Kumar Jha
For the Opposite Party/s	:	Mr. J.N. Thakur, APP
For the Informant	:	Mr. Suman Kr. Mishra

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 05-07-2018 Heard learned counsels for the parties.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 376/34 of the IPC and Sections 3 and 4 of Dowry Prohibition Act.

The prosecution case got initiated with the written report of Anu Kumari dated 13.3.2018 submitted to the SHO, Mahila Police Station, Gandhi Maidan, Patna, to the effect that the informant's engagement ceremony was performed with Nishant Raj on 24.2.2017 but the date of marriage was not fixed. Subsequently, dowry demand of Rupees Nine Lacs and a car was made. It is alleged that the petitioner being sister of co-accused Nishant Raj and other family members were in continuous contact with the informant. It is alleged that co-accused Nishant



Raj called the informant at his house and established physical relationship with her. It is further alleged that the accused persons prompted co-accused Nishant Raj to establish physical relationship with the informant and Nishant Raj also took nude photographs of the informant and recorded her videos. Subsequently, co-accused Nishant Raj solemnized ring ceremony with some other girl on 11.2.2018.

It is submitted by learned counsel for the petitioner that since to the marriage could not be settled between the informant and co-accused Nishant, the accusation has been levelled. The accusation of physical relationship between the informant and co-accused Nishant is not being corroborated by any medical opinion as it does not appear that the informant was medically examined. There is no documentary evidence with regard to nude videography and photographs of the informant being taken. The petitioner has been roped in as an accused in the present case since she happens to be the sister of co-accused Nishant Raj with whom the informant claims to have been engaged. It is further submitted that initially the engagement between the co-accused Nishant and the informant was performed on 24.2.2017 and when later the co-accused Nishant was engaged with some other girl on 11.2.2018, the present FIR has been registered.



Learned counsel for the informant submits that the petitioner being the sister of co-accused Nishant Raj, connived and assisted Nishant in committing the offence, hence, she cannot be exonerated. Similar is the stand of learned APP.

Considering the delayed lodging of the case, the accusation not being corroborated by medical opinion and thrust of accusation is against co-accused Nishant Raj, let the petitioner above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Patna in connection with Mahila P.S. Case No.29 of 2018 subject to the conditions laid down in Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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