

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20445 of 2018

Arising Out of PS. Case No.-201 Year-2016 Thana- RIGA District- Sitamarhi

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Sukhari Paswan, S/o Ramswaroop Paswan, R/o Vill.- Matiyar, P.S.- Sahiyara,
Distt.- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Khushbu Kumari, W/o Ramu Kumar, D/o Shambhu Paswan, R/o Vill.-
Majhaura, P.S.- Riga, Distt.- Sitamarhi, Presently residing at her Matrimonial
house at Vill.- Matiyar, P.S.- Sahiyara, Distt.- Sitamarhi.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sangeet Deokuliar, Adv.
For the Opposite Party/s : Sri Umesh Lal Verma, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 20-04-2018 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 313/323/376/504 of the Indian Penal Code, Sections 3/4 of the Dowry Prohibition Act and Section 4 of the Protection of Children from Sexual Offences Act, 2012.

Initially, the prosecution case got initiated with filing of Complaint Case No.574/2016, which came to be registered as police case being Riga P.S Case No.201/2016, after its being transferred under Section 156(3) of the Code of Criminal Procedure.



The prosecution case is that the complainant went to her relative place to attend a marriage ceremony along with her mother, where, she came in contact with one Ramu Kumar, the brother of the petitioner, who subsequently established physical relationship with the complainant forcefully. When it was objected by the complainant, he assured that he will perform marriage with her. Consequently, the complainant got pregnant, hence, the complaint was made by the parents of the complainant to the parents of Ramu Kumar in presence of Ramu Kumar, when this petitioner, being brother of Ramu Kumar, agreed to perform marriage of Ramu Kumar with the complainant, but at this juncture, the petitioner suggested the complainant to get her pregnancy terminated before marriage. Subsequently, the accused persons demanded dowry for performing marriage.

It is submitted by learned counsel for the petitioner that the thrust of accusation is against Ramu Kumar and now both the complainant and Ramu Kumar have performed marriage on 18.11.2016 at Maa Janki Janmbhumi Temple, which gets reflected from Annexure-2. Subsequently, an affidavit to that effect has been sworn by both the petitioner and the complainant, as contained in Annexure-3. The complainant has



also entered into a compromise and filed a petition to that effect before the learned Court below, as contained in Annexure-4. Moreover, the FIR has been lodged with an ordinate delay when the complainant came in contact with Ramu Kumar about one and half year prior to filing of the complaint. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by learned APP for the State that though the thrust of accusation is against Ramu Kumar, but the petitioner, being the brother of co-accused, Ramu Kumar, suggested the complainant to get her pregnancy terminated.

Considering the thrust of accusation against Ramu Kumar and the fact that the complainant has retracted from the accusation, coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, 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, 1st Additional Sessions Judge-cum-Special Judge, Sitamarhi, in connection with Riga P.S. Case No.201 of 2016,



subject to the conditions as laid down under Section 438(2) of
the Cr.P.C.

(Dinesh Kumar Singh, J)

Ashwini/-

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