

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1858 of 2019

Arising Out of PS. Case No.-133 Year-2018 Thana- MAHILA P.S. District- Bhojpur

Raju Gupta son of Ram Kumar Sah, resident of village-Barhara, P.S.-Barhara,
District- Bhojpur

... .. Petitioner/s

Versus

1. State of Bihar
2. Mina Devi wife of Raju Gupta, daughter of Shri Bhagwan Sah at present
resident of village-Sahpur, P.S.-Sahpur, District- Bhojpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajani Ranjan Pd. Singh, Advocate
For the Opposite Party/s : Mr. Awadhesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 15-01-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks pre-arrest bail in connection with
Mahila P.S. Case No.133 of 2018 registered under Sections
498A, 313 and 379/34 of the Indian Penal Code as well as
Sections 3 and 4 of the Dowry Prohibition Act.

It is contended by the learned counsel for the
petitioner that there is no truth behind the allegation that the
petitioner ever demanded cash or Hero Honda motorcycle as
dowry from the informant of the case. As a matter of fact, the
informant herself deserted the matrimonial home and is not
willing to live together with the petitioner even though the
petitioner is ready to keep her in the matrimonial home with



dignity and honour. He contended that save and except hypothetical presumption and wild allegation made in the FIR that the petitioner and other accused persons were instrumental in causing miscarriage, there is no material to support such contention.

Learned counsel for the State opposed the application for grant of pre-arrest bail to the petitioner.

Considering that the case is based only on ocular allegation made by the informant and plea of innocence has been taken by the petitioner, in the event of arrest or surrender before 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/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Bhojpur at Ara in connection with Mahila P.S. Case No.133 of 2018 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J)

Md. S/-

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