

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17425 of 2019

Arising Out of PS. Case No.-543 Year-2018 Thana- GAYA KOTWALI District- Gaya

Nayan Kumar, Son of Narendra Kumar, Resident of Mohalla - Hetegodam in front of Durga Temple, Near - Sahara Bank Tekari Road, P.S.- Kotwali, Distt - Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Swati Kumari, D/O Late Kailash Prasad, R/O Mohalla- Chunna Gali, K.P. Road, P.S. Kotwali, Distt.- Gaya.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Pratap Singh
For the Opposite Party/s : Mr.Shailendra Kumar

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

4 15-07-2019 Heard learned counsel for the petitioner, learned counsel for the informant and the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Kotwali P.S. Case No. 543 of 2018, registered under Section 376 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

The accusation is that informant, aged about 27 years, was doing the job at Delhi and at that time, negotiation regarding her marriage was started with the petitioner, who was doing the job at Bangalore. On negotiation, the family members of the petitioner became ready to perform the marriage of the petitioner with the informant. Thereafter, petitioner used to visit



from Bangalore to Delhi, as the informant was living at Delhi in between 1 February, 2018 to 6 June, 2018. In course of visit, on assurance to perform the marriage, petitioner developed the physical relation with the informant. On 5th June, 2018, informant came to Gaya from Delhi and she went on 2nd July, 2018 at Bangalore on confirmation of her ticket by the petitioner. Thereafter, she stayed three months at Bangalore in the room of the petitioner but she did not find any job and in that period, petitioner developed the physical relation with her then she again return to Delhi. After some time, her parents asked the parents of the petitioner for fixing the date of marriage but parents of petitioner made demand of cash of Rs.15,00,000/- as dowry but parents of informant refused due to that reason marriage of informant could not be solemnized with the petitioner.

Learned counsel for the petitioner submits that, in fact, parents of the informant visited on several occasion to fix the date of marriage of the informant with the petitioner but parents of the petitioner was refused due to that reason only to give undue pressure, the informant has lodged the present case with false allegation at the instance of her parents.

On the other hand, learned counsel for the



informant-opposite party no. 2 submits that on assurance to perform the marriage, petitioner compelled to develop the physical relation with the informant-opposite party no. 2, as such, this is a clear case of committing rape on her by the petitioner.

Having regard to the facts and circumstances of the case, let the above named petitioner be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six 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 Chief Judicial Magistrate, Gaya, in connection with Kotwali P.S. Case No. 543 of 2018, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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