

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17377 of 2019

Arising Out of PS. Case No.-20 Year-2018 Thana- MAHILA PS District- Gopalganj

SANJEEV KUMAR RAM @ SANJEEV RAM Son of Shiv Shankar Ram
Resident of Village - Briti Tola, P.S.- Kuchaikote, Distt.- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Lokesh Kumar Singh

For the Opposite Party/s : Mrs.Shaheen Begum

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 28-03-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since 10.12.2018 in a case registered for the offences punishable under Sections 493 and 376 of the Indian Penal Code.

The prosecution case got initiated on the basis of written report of Mamta Kumari submitted before the Station House Officer, Gopalganj Mahila Police Station is to the effect that the the brother of the informant namely Mukesh Kumar and Sanjeev Kumar, the petitioner were friends and the petitioner had visiting terms at the house of the informant. Subsequently, the petitioner developed intimacy with the informant and on the pretext of marriage, he established physical relationship with her and the same continued for two years. On 26.01.2018, when the father of the informant made



proposal of her marriage with the petitioner to his parents, then all the accused persons demanded rupees two lac as dowry demand and ultimately on 06.04.2018, the accused persons refused to perform the marriage of the petitioner with the informant.

It is submitted by learned counsel for the petitioner that even assuming the accusation to be true, no offence under Section 376 of the I.P.C is made out. The medical report does not suggest any evidence of sexual assault and the age of the victim has been assessed between 19 to 20 years. It is further submitted that the father of the petitioner had filed Informatory Case No. 576 of 2017 against the informant and her father on 04.03.2017 and thereafter the present case was lodged on 05.05.2018.

Learned APP for the State submits that there is specific accusation against the petitioner in the FIR.

Considering the accusation not being corroborated by the medical opinion and the investigation already being concluded 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 bail, on furnishing bail bond of Rs.10,000/- (ten thousand) with two



sureties of the like amount each to the satisfaction of learned
SDJM, Gopalganj in connection with Gopalganj (Mahila) P.S.
Case No. 20 of 2018.

(Dinesh Kumar Singh, J)

Ashwini/-

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