

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19512 of 2019**

Arising Out of PS. Case No.-3 Year-2019 Thana- MAHILA PS District-
Katihar

=====

Girish Kumar @ Girish Kumar Singh, male, aged about 35 years, Son of
Devendra Ram Resident of Village - Vanshinagar Baigna, P.S.- Town
Katihar, Distt.- Katihar.

... .. Petitioner

Versus

1. The State Of Bihar
2. Baby Kumari D/o Late Aalaram Sah Resident of Village - D.S. College
Road, Prabhatnagar, P.S.- Town Katihar, Distt.- Katihar.

... .. Opposite Parties

=====

Appearance :

For the Petitioner : Mr. Radha Mohan Singh, Advocate.

For the Opposite Party: APP

=====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 01-04-2019 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences
alleged under Sections 376, 354, 504, 506, 34 and 406 of the
Indian Penal Code, Section 5 of the Immoral Trafficking Act and
Section 3/4 of the Dowry Prohibition Act registered in
connection with Mahila P.S. Case No. 03 of 2019.

3. It is submitted that the petitioner has been falsely
implicated, *inter alia*, on the accusation that the petitioner
established physical relationship with the informant on the
promise of marriage but subsequently resiled from such promise.
It is submitted that the informant is a major lady and there was



consensual love affair between them since the year 2013. It is submitted that as a matter of fact the petitioner has proposed marriage but in July, 2017 when panchayat was arranged in the house of the informant, the guardians of the informant refused his proposal. The accusation under the Immoral Traffic (Prevention) Act are mere embellishment and based merely on suspicion of the informant. The petitioner claims clean antecedents.

4. Be that as it may and having regard to the judgment of the Hon'ble Supreme Court in *Dr. Dhruvaram Murlidhar Sonar Vs. State of Maharashtra & Ors. in Criminal Appeal No. 1443 of 2018 arising out of SLP (Criminal) No. 6532 of 2018*, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned 1st Additional Sessions Judge cum Special Judge, Katihar in connection with Mahila P.S. Case No. 03 of 2019, subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following further conditions -

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar



offence till conclusion of the trial.

(iii) That the petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) That the petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

Ibrar/BT

U		T	
---	--	---	--

