

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1273 of 2019

Arising Out of PS. Case No.-80 Year-2019 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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Dr. Vivek Kumar Son of Sri Ashok Kumar Prasad Resident of Village -
Kumhar Toli, P.S.- Masaurhi, Distt.- Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Nilesh Kumar
For the Respondent/s : Mr. Binay Krishna

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

7 04-09-2019 Heard learned counsel for the appellant and

learned Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act against the refusal of prayer of anticipatory bail
vide order dated 05.03.2019 passed by learned 3rd Addl. District
& Sessions Judge cum Special Judge, SC/ST, Bhagalpur in
Kotwali Barari P.S. Case No. 80 of 2019 registered under
Sections 420, 376(2)(b), 313, 504, 506/34 of the Indian Penal
Code, Section 3/4 of Dowry Prohibition Act and Section 3(2)(v)
of the Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act.

Appellant happens to be doctor of J.L.M.N.C.H.



Bhagalpur in which the informant is working as a Staff Nurse. Appellant taking room on rent took the informant in the said room on the pretext of marriage with her and putting vermilion on her forehead started living with her in the said room. Subsequently, she became pregnant. But, he aborted her pregnancy by administering her medicine, and on protest made by the informant, he refused to marriage with her without according him dowry.

It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He has been falsely implicated in this case by the informant. Informant happens to be bad character lady and she is in habit of falsely implicating the youths to blackmail them and has also lodged this false and frivolous case against the appellant in the said bid. Doctors of the aforesaid hospital and other witnesses have denied the occurrence. Appellant has no criminal antecedent, hence, he may be enlarged on bail.

Per contra, learned Spl. PP for the State and learned counsel for the informant opposing the bail prayer of the appellant submitted that the appellant has established sexual relationship with the informant on the pretext of marriage, and on becoming pregnant, he aborted her pregnancy by



administering her medicine and he finally refused to marry her without according him dowry. Informant in his further statement has fully supported the occurrence and landlord of the room where couples were living and witness in paragraph 21 of the case diary have unanimously stated that both appellant and informant have taken aforesaid room on rent claiming themselves to be husband and wife and they used to live in the said room on the weekend, hence, appellant does not deserve bail.

Having regard to the facts and circumstances of the case, I am not inclined to enlarge the appellant on bail. Accordingly, his prayer is rejected.

However, appellant is directed to surrender before the court below within six weeks and seeks regular bail and learned court below shall pass order in accordance with law considering the facts and circumstances of the case without being prejudiced by this order.

Accordingly, this appeal is dismissed.

(Prakash Chandra Jaiswal, J)

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