

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31296 of 2019

Arising Out of PS. Case No.-158 Year-2018 Thana- MAHILA P.S. District- Patna

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NISHIKANT Son of Late Ram Kewal Prasad @ Ram Keshav Prasad
Resident of Mohalla-Tejpratap Nagar, New Bypass Road Anishabad, Police
Station-Beur, District-Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satya Prakash

For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 05-08-2019 Heard learned counsel for the petitioner, informant
and the learned APP for the State.

The petitioner seeks bail in Patna Mahila P. S. Case
No. 158 of 2018 instituted for the offence under Sections 376,
420/34 of the Indian Penal Code and Section 3/4 of the Dowry
Prohibition Act.

It is alleged in the written report that marriage of
informant was settled in the year 2017. Thereafter they gave
application before the Special Marriage officer, Samastipur for
registration of marriage but, the petitioner did not turn up
before the Marriage Registrar at the time of registration i.e.
January, 2018. Thereafter, the informant's side talked to the
family members of petitioner who made demand of Rs,



15,00,000/- in demand of dowry for marriage. It is alleged that on 9.2.2018 the date was fixed for marriage in the temple. In the meantime on 6.2.2018 the relative of the informant reached at the house of petitioner with cloth of marriage, fruit, utensils etc. but, the accused persons did not agree for marriage without payment of Rs. 15,00,000/- as dowry. Finally, the marriage was not performed.

Learned counsel for petitioner submits that there has been delay of one year in lodging the FIR. The marriage is said to have been settled in the year 2017. The FIR has been lodged in the year 2018. He further submits that both the petitioner and informant are major. There was no any marriage solemnized between them till date.

Learned counsel for the informant has appeared and opposed the prayer for bail. He submits that petitioner has established physical relationship with informant on the pretext of performing marriage.

Learned counsel for petitioner submits that earlier no any complaint was made by informant that petitioner has established physical relationship with her on the pretext of performing marriage. The informant has stated for the first time in her statement given U/s 164 Cr.P.C. that petitioner has



established physical relationship with her.

The petitioner is in custody since 18.10.2018.

Considering the aforesaid, let the petitioner, above named, 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 the Additional Sessions Judge 1st Patna, in connection with Patna Mahila P. S. Case No. 158 of 2018, Sessions Trial no. 235 of 2019 subject to the condition that both the bailors shall be the close relative of the petitioner.

(Sanjay Priya, J)

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