

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32774 of 2019

Arising Out of PS. Case No.-2 Year-2018 Thana- DHANGAI District- Bhojpur

=====

ARVIND KUMAR Son of Madan Prasad Sinha @ Madan Pd. Sinha Resident
of Village and Post Office-Dalippur, P.S-Dhangai, District-Bhojpur, Ara.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Parmatma Singh
For the Opposite Party/s : Mr.Anil Kumar Singh No. 1

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 07-08-2019 Heard learned counsel for the petitioner, counsel
for the informant and the State.

The petitioner seeks bail in **Dhangai P.S. Case No. 2 of 2018**, instituted for the offence under Section(s) 323, 307, 498(A), 376, 511, 34 of Indian Penal Code and Section 3/4 of Dowry Prohibition Act.

Counsel for the petitioner submits that petitioner has been falsely implicated in the case. The victim wants to perform marriage with petitioner. Therefore, the instant case has been filed.

It is alleged in the written report that petitioner who is brother-in-law (Dewar) of elder sister of the informant used to come to her house. The informant got intimacy with him. Petitioner on the pretext of marriage established physical



relationship with her and finally, performed marriage before Notary Public with promise to perform proper marriage after both getting adult. It is further alleged that petitioner has not performed marriage and made demand of dowry.

Case diary has been received.

The statement of victim girl (informant) recorded under Section 164 Cr. P.C. is available in the case diary wherein she has stated that on 18.1.2018, while she was sleeping, her Bhainsur committed illegal act with her. She was assaulted by her husband and his family members, on account of which, she sustained injury. Thereafter, the husband and his family members threw her in Canal (*Nahar*).

Counsel for the petitioner submits that victim girl (informant) has stated in her statement recorded under Section 164 Cr. P.C. that she has sustained injury but no injury report is available in the case diary.

From the written report it appears that marriage is said to have taken place before the Notary Public on 4.1.2012 (Annexure-2) and the case has been lodged on 19.01.2018 after delay of 6 years. Moreover, from the allegation in the written report it appears that petitioner has performed marriage with the informant before the Notary Public and made physical



relationship with her consent.

Petitioner is in custody since 29.3.2019 having clean antecedent.

Considering the aforesaid facts and circumstances of the case, prayer of the petitioner for grant of bail is allowed. 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 **learned Sub Divisional Judicial Magistrate, Bhojpur, Arrah**, in connection with **Dhangai P.S. Case No. 2 of 2018**, subject to the condition that both the bailors will be close relatives of the petitioner.

(Sanjay Priya, J)

S.Ali/-

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

