

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56585 of 2018

Arising Out of PS. Case No.-29 Year-2018 Thana- MAHILA P.S. District- Patna

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Nishant Raj @ Sonu, Son of Sri Rajesh Kumar, Resident of Village and P.O.-
Parsa Bazar, Punpun, P.S.- Parsa Bazar, District- Patna.

... .. Petitioner.

Versus

1. The State Of Bihar.
2. Anu Kumari, daughter of Jagdish, resident of Ramjichak, P.S. Digha, P.O.
Bataganj, Ward No.30, Patna.

... .. Opposite Parties.

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Appearance :

For the Petitioner	:	Mr. Y.V. Giri, Senior Advocate. Mr. Sumit Kumar Jha, Advocate.
For the State	:	Mr. Surendra Kumar, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

6 31-01-2019 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Mahila P.S. Case No.29 of 2018 registered under Sections
376/34 of the Indian Penal Code besides Sections 3/4 of Dowry
Prohibition Act.

The accusation is that the marriage of the
informant/opposite party no.2 was settled with the petitioner and
Chheka was performed on 24.02.2017 in presence of the family
members of the petitioner as well as the informant/opposite
party no.2 but, at that time, the date of marriage was not fixed.
Thereafter, demand of Rs.9,00,000/- cash and a car was made



and the family members of the informant/opposite party no.2 was humiliated for the same. In the meantime, the petitioner, on the pretext of performing the marriage, developed physical relation with the informant/opposite party no.2, in spite of protest made by the informant/opposite party no.2. Thereafter, the informant/opposite party no.2 was also called in the house of the petitioner under conspiracy hatched by the family members of the petitioner, where the petitioner made physical relation with the informant/opposite party no.2 and took photographs and prepared videos of the same. It is alleged by the informant/opposite party no.2 that the petitioner settled his marriage at another place.

Learned counsel appearing for the petitioner submits that, in fact, the marriage of the petitioner was settled with the informant/opposite party no.2 but the marriage could not be solemnized as the petitioner, who was in job, was unfortunately removed from the job. Thereafter, the informant/opposite party no.2, who is also in job, refused to perform the marriage with the petitioner and, accordingly, the expenses incurred over the performing of Chheka was also returned to the informant/opposite party no.2. When the petitioner got the job, his marriage was settled at another place and, thereafter, only to



compel the petitioner to perform the marriage with her, the informant/opposite party no.2 lodged the present case, implicating the whole family members of the petitioner. Further submission is that the other family members of the petitioner have already been granted the privilege of pre-arrest bail by different Benches of this Court vide order dated 05.07.2018 passed in Criminal Misc. No.37978 of 2018, vide order dated 20.07.2018 passed in Criminal Misc. No.42459 of 2018 and vide order dated 31.08.2018 passed in Criminal Misc. No.42631 of 2018.

Having considered the facts and the circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender by him within six weeks from today, be enlarged on bail on his furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Patna, in connection with Mahila P.S. Case No.29 of 2018, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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