

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45302 of 2019

Arising Out of PS. Case No.-23 Year-2019 Thana- BIKRAM District- Patna

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ALOK @ ALOK KUMAR @ VIKASH KUMAR S/o Lalan Kumar @ Lalan
Prasad Thakur Resident of Bhuidhara, P.S.- Muffasil, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pramod Kumar Singh

For the Opposite Party/s : Mr.Satyendra Prasad

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

2 23-07-2019 Heard learned counsel for the parties.

This application for anticipatory bail arises out of
Bikram P.S. Case No. 23 of 2018, disclosing offences under
Sections 376 and 313/34 of the Indian Penal Code.

It is alleged in the FIR that marriage of the
informant's daughter with the petitioner was finalized after
negotiations. Subsequently, a demand for dowry was made and
when the informant expressed her inability, they refused to
marry the informant's daughter. It is also alleged in the FIR that,
in the meanwhile, the petitioner and the informant's daughter
had established physical relationship, out of which the
informant's daughter had conceived. However, subsequently, the
foetus was aborted.



Learned counsel, appearing on behalf of the petitioner, has submitted that no offence under Section 376 of the IPC can be said to be made out on the basis of what has been alleged in the FIR.

Considering the above submission, this application is allowed. Let the petitioner, above named, in the event of his arrest/surrender within six weeks from today in the court below, be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each, to the satisfaction of the learned Additional Chief Judicial Magistrate-VI, Danapur, Patna in connection with Bikram P.S. Case No. 23 of 2019, subject to the condition as laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the Police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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