

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4413 of 2018**

Arising Out of PS. Case No.-141 Year-2015 Thana- GAYA KOTWALI District- Gaya

Nandan Kumar Mishra S/o Shashikant Mishra, R/o Ramdhanpur, P.S.-
Kotwali, Distt- Gaya.

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Birendra Kumar Singh, Advocate

For the Respondent/s : Mr.Sri Sadanand Paswan, Special P.P.

**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER**

4 05-03-2019 Heard the parties.

The appellant seeks anticipatory bail in connection with Gaya P.S.Case No. 141 of 2015, registered for offences punishable under Sections 376 of Indian Penal Code and Sections 3 (I) (XI), 3 (2) (V) of SC/ST Act, 1989.

Allegation as per F.I.R. against the appellant is that the informant married with the appellant through agreement paper on 09.02.2015 and the petitioner has established physical relationship with the informant and she became pregnant but later on, the petitioner refused to marry with the informant and demanded Rs. Five lacs as dowry.

Submission of the learned counsel for the appellant is that the appellant had never solemnized marriage with the informant nor made any physical relationship with the



informant and the victim girl had never be present for recorded her statement under Section 164 Cr.P.C. and the appellant has no criminal antecedent.

Learned A.P.P. opposes the prayer for bail that after marriage, the victim girl herself left the house and demanded dowry.

Having heard both sides and in view of the facts and circumstances as discussed above, the case of the appellant is concerned, I am not inclined to grant bail to the appellant, accordingly, prayer of anticipatory bail is rejected with a direction to the petitioner that if the petitioner surrender before the court below within a period of four weeks from the date of order and make prayer for regular bail, which will be considered by the learned court below on its own merit without being prejudiced by this order of this Court.

This application is accordingly dismissed.

(Vinod Kumar Sinha, J)

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