

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68746 of 2018

Arising Out of PS. Case No.-55 Year-2017 Thana- MAHILA P.S. District- Bhagalpur

=====

Dhananjay Kumar @ Dhananjay Yadav, son of Mitendra Yadav, resident of village-Ragho Tikar, P.S. Madhusudanpur (Nathnagar), District-Bhagalpur.

... .. Petitioner.

Versus

The State Of Bihar

... .. Opposite Party.

=====

Appearance :

For the Petitioner	:	Mr. Rajendra Narain, Senior Advocate. Mr. Manoj Kumar Jha, Advocate.
For the State	:	Mr. S.M. Rahman, A.P.P.
For the Informant	:	Mr. Indeshwari Prasad Mandal, Advocate.

=====

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

4 28-02-2019 Heard learned counsel for the petitioner and the learned A.P.P. for the State as also the learned counsel for the informant.

The petitioner apprehends his arrest in connection with Mahila P.S. Case No.55 of 2017/G.R. No.4098 of 2017 registered under Sections 498(A), 341, 323, 504 and 506/34 of the Indian Penal Code besides Sections 3/4 of the Dowry Prohibition Act.

The accusation is that the marriage of the informant was performed with the petitioner according to Hindu customs. At that time, cash Rs.5,00,000/-, ornaments, households articles worth Rs.1,00,000/- etc. were also given in dowry as the



petitioner was employed in the army. Since the petitioner used to reside at his service place at Panchkula (Haryana), the family members of the informant went there and the marriage of the informant was performed with the petitioner at Chandi temple but, thereafter, she was being tortured through various modes due to non-fulfillment of the demand of motorcycle and refrigerator in dowry. Thereafter, the informant came at her sasural village but she was being tortured there also. On 24.05.2017, the father of the informant gave Rs.10,000/- through cheque to the petitioner but in spite of that, she was driven from her matrimonial house.

Learned counsel for the petitioner submits that, in fact, the marriage of the petitioner was not performed with the informant and due to ill-motive the present case has been lodged. Further submission is that, earlier, the informant had lodged Complaint Case No.1435 of 2013 in the court of the Chief Judicial Magistrate, Bhagalpur under Sections 366, 376, 379 and 384 of the Indian Penal Code with the contention that Subhash Kumar Suman used her sexually on the assurance of performing the marriage but he refused, which would appear from Annexure- '2' to this application.

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 Sub Divisional Judicial Magistrate, Bhagalpur, in connection with Mahila P.S. Case No.55 of 2017/G.R. No.4098 of 2017, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

P.S./-

U			
---	--	--	--

