

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.17907 of 2020**

Arising Out of PS. Case No.-93 Year-2019 Thana- KIUL District- Lakhisarai

Chandan Kumar, Son of Ashok Singh, Resident of Village - Kinjar, P.S.-
Kinjar, Distt.- Arwal.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar, Advocate

For the Opposite Party/s : Mr.Akhileshwar Dayal, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 05-06-2020 This application has been placed for consideration by
the order of the Hon'ble the Chief Justice through virtual court
proceeding.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with Kiul P.S. Case No. 93 of 2019 (G.R. No.
1829/2019) registered for the offences punishable under
Sections 341, 323, 379, 498(A), 504, 506, 495/34 of the Indian
Penal Code and Section 3/4 of the Dowry Prohibition Act.

Learned counsel for the petitioner submits that
according to the First Information Report the informant had
come in touch with the petitioner and developed love affair



whereupon she established physical relationship, became pregnant and thereafter gave birth to a son. On her insisting for marriage and upon pressurizing him he solemnized marriage with the informant and the marriage was also registered. After marriage she started living with the petitioner as wife. An affidavit in this regard was also prepared at Lakhisarai but when she asked the petitioner to take her to his village, the petitioner started demanding a sum of Rs. 5,00,000/- and threatened her to kill the minor boy if she does not pay the amount.

Learned counsel submits that the whole allegations at this stage are false, concocted and baseless as the informant herself established the relationship and pressurized the petitioner to solemnize the marriage, the petitioner did not ask for any dowry and it is highly improbable that as alleged if the petitioner had first marriage from before, he would pressurize the informant to pay the dowry of Rs. 5,00,000/-. It is submitted that the petitioner is in custody since 14.11.2019, investigation against him is complete and at this stage if the petitioner is released on bail there is no chance of tampering with the evidence.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.



Considering the facts and circumstances of the case, wherein the informant has herself stated that she had established relationship with the petitioner, gave birth to a son and thereafter on her asking the petitioner solemnized the marriage with her but thereafter as it appears dispute had arisen, let the petitioner above named be released on bail in connection with Kiul P.S. Case No. 93 of 2019 (G.R. No. 1829/2019) on furnishing of bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Lakhisarai, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.



And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic during the lockdown period. The authorities concerned shall take appropriate steps to ensure such observance prior to and after release of the petitioner.

This application is allowed.

(Rajeev Ranjan Prasad, J)

Vats/Rajeev

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

