

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4396 of 2020

Arising Out of PS. Case No.-353 Year-2018 Thana- SAHARSA District- Saharsa

BRAJESH KUMAR Son of Vishnudev Sah @ Vishundev Sah @ Bishnudev Sah Resident of Village - Vishanpur, Ward No. 9, P.S. - Saharsa Sadar (O.P. Sonbarsa Kachahari), District - Saharsa.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amarnath Jha

For the Opposite Party/s : Mr.Renuka Ratnakar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 28-02-2020 Heard learned counsels for the parties.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 323,354,376,511 and 504 of the IPC.

The prosecution case, as per the Complaint Case No. 1288 of 2017 filed by Juhi Kumari which ultimately came to be registered as Saharsa P.S. Case No. 353 of 2018 after complaint being transferred under Section 156(3) of the Cr.P.C., is to the effect that the informant was married with Bittu Kumar, brother of the petitioner. Though the marriage was not accepted but subsequently when the informant became pregnant, the in-laws started demanding Rupees One Lakh as dowry which led to registration of Saharsa Mahila P.S. Case No. 68 of 2017. It is



further alleged that on 11.11.2017 at 8.00 P.M., the petitioner and two unknown persons entered into the house of the informant and made attempt to ravish her.

It is submitted by learned counsel for the petitioner that the accusation has been levelled since the in-laws family members of the informant did not approve the inter-caste marriage. On conclusion of investigation, the petitioner was not sent up for trial but subsequently, differing with the final form, cognizance has been taken under Sections 323,354 and 504 of the IPC.

Learned APP submits that the accusation is specific against the petitioner in the FIR.

Considering the fact that for the occurrence of 11.11.2017, complaint was filed on 2.1.2018 which came to registered as police case on 27.3.2018 and on conclusion of investigation, the petitioner was not sent up for trial, the accusation being not corroborated by the medical opinion, let the petitioner above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Saharsa in connection with Saharsa Sadar P.S. Case No. 353 of 2018



subject to the conditions laid down in Section 438(2) of the
Cr.P.C.

(Dinesh Kumar Singh, J)

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