

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39206 of 2020

Arising Out of PS. Case No.-150 Year-2020 Thana- SANGRAMPUR District- Munger

BAIJNATH PRASAD SINGH @ BAIDHNATH PRASAD SINGH S/O
BALDEO PRASAD SINGH RESIDENT OF VILLAGE - KUSMAR
SANGRAMPUR, P.S. - SANGRAMPUR, DISTRICT - MUNGER

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gopal Prasad Roy
	:	Mr. Suresh Mishra
For the Opposite Party/s	:	Mr. Nawal Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 01-06-2021 Heard Mr. Gopal Prasad Roy, learned counsel for

the petitioner and Mr. Nawal Kishore Prasad, learned APP for

the State.

The petitioner seeks bail in anticipation of his
arrest in connection with Sangrampur P.S. Case No. 150 of
2020 instituted for the offences under Sections 493/34 of the
Indian Penal Code and Section 3/ 4 of the Dowry Prohibition
Act.

One of the sons of the petitioner had agreed for
marrying the daughter of the informant but later, an additional
demand of dowry and articles were put up by the accused
persons including the petitioner. The F.I.R. also discloses that



the son of the petitioner whose marriage was fixed with the daughter of the informant had subjected her to rape on the assurance that shortly they are going to be married and also made her pregnant. The marriage negotiations have now failed and the family of the petitioner have pocketed Rs. 1.50 Lakh which was paid as dowry in advance.

Learned counsel for the petitioner has submitted that an absolutely false case has been filed against the petitioner and the present contention of the learned counsel is based on the following grounds:

The elder son of the petitioner remains unmarried till date and, therefore, it is highly improbable, according to the learned counsel for the petitioner that the petitioner would fix the marriage of his younger son. It has further been submitted that the accusation of the younger son of the petitioner having impregnated the daughter of the informant is incorrect as the day and time alleged in the F.I.R. fell during the lockdown period when it was not possible for such a misadventure on the part of the second son of the petitioner. Apart from this, it has also been urged that the medical report of the victim casts a doubt on the absolute correctness of the statement made by



the informant with respect to stage of pregnancy. The verbal allegation of having received Rs. 1.50 lakh in cash is not borne out by any tangible evidence.

Lastly, it has been submitted that the younger son of the petitioner is in custody since 30.08.2020.

Learned counsel for the state has, however, opposed the application for anticipatory bail of the petitioner on the ground that the petitioner being the father was responsible for the aforesaid episode in which the marriage negotiations failed because of non-fulfillment of demand of dowry.

After having heard the learned counsel for the parties and on perusal of records as well as taking into account that the son of the informant is in custody for a long time and there is no direct evidence of the fact that the petitioner had pocketed the dowry amount and there being no tangible evidence for such payment of money and that the fact that the marriage negotiations could have failed for many other reasons as well, the petitioner, above named, is directed to be released on bail in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order on furnishing bail bonds of



Rs. 10,000/- (Rs. Ten Thousand) each with two sureties of like amount to the satisfaction of learned Sub Divisional Judicial Magistrate, Munger, in connection with Sangrampur P.S. Case No. 150 of 2020 , subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure.

(Ashutosh Kumar, J)

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