

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40509 of 2020

Arising Out of PS. Case No.-30 Year-2020 Thana- MAHILA P.S. District- Samastipur

PRINCE KUMAR @ PRINCE KUMAR RAJ, Son of Ashok Mahto, Resident
of Village - Avavkarpur, P.S.- N.H.Bangra, Distt.- Samastipur
... Petitioner

Versus

The State of Bihar
... Opposite Party

Appearance :

For the Petitioner	:	Mr. Suneil Kumar Thakur, Adv.
For the State	:	Ms. Sangeeta Sharma, APP
For the Informant	:	Mr. Barun Kumar Singh, Adv.

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 24-07-2021 As prayed for, through video conferencing, let the learned counsel for the petitioner remove the defect(s), as pointed out by the office vide it's note, dated 26.12.2020, within four weeks of starting of the Court proceeding in physical mode properly.

Heard the parties through video conferencing.

The petitioner seeks pre-arrest bail in connection with Mahila P.S. Case No. 30 of 2020, registered under Sections 313, 376, 504, 506 and 34 of the Indian Penal Code, 67 and 67(A) of the Information Technologies Act, 2000, and 3 and 4 of the Dowry Prohibition Act, 1961.

The accusation is that Saurav Kumar, son of Benilal Mahto, resident of Jakanpur Nazirganj, P.S. Ujiyarpur, district Samastipur, use to visit at the house of his relation in the village



of the informant and in that course the informant came in touch of Saurav Kumar, who on giving assurance to perform the marriage started to commit rape, which was in the knowledge of Prince Kumar @ Prince Kumar Raj (petitioner). In the meantime, the informant conceived pregnancy, then, Saurav Kumar started to give pressure for abortion and he also got prepared the nude photograph. When the informant asked Saurav Kumar to perform marriage, then, he did not take any heed and started to give threatening of publishing the nude photograph and he also asked her that unless her parents will not give rupees five lakh and motorcycle in dowry, he will not perform marriage with her. The aforesaid facts came in the knowledge of her brother and father, then, they also put the proposal for marriage before the father of Saurav Kumar and his family members, but, they refused to perform the marriage unless the cash and motorcycle is not given in dowry.

The learned counsel for the petitioner submits that it would appear from the first information report that allegation of committing rape on assurance of performing of marriage with the informant is against Saurav Kumar and not against the petitioner. In fact, the petitioner is the resident of village of the informant and the relative of co-accused, Saurav Kumar, due to



that reason the petitioner has falsely been implicated in this case with contention that this petitioner had knowledge about the activities in between the informant and co-accused, Saurav Kumar. The petitioner has no criminal antecedent.

Having regard to the facts and circumstances of the case, let the petitioner, above named, in the event of arrest/surrender, within a period of four weeks from today, in connection with Mahila P.S. Case No. 30 of 2020 shall be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of Sri S. Kumar, Judicial Magistrate, 1st Class, Samastipur, or the successor Court subject to the conditions as laid down under Section 438(2) Criminal Procedure Code.

(Rajendra Kumar Mishra, J)

Shamshad/-

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