

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42756 of 2021

Arising Out of PS. Case No.-560 Year-2020 Thana- MAJHAULIA District- West Champaran

Laxman Ram Son of Sri Hari Ram Resident of Village - Makhaniya Kudia,
P.S.- Majhauia, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate

For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 12-01-2022 Heard learned counsel for the petitioner and Shri Nitya Nand Tiwary, learned A.P.P. for the State through virtual court proceedings.

The petitioner seeks bail in connection with Majhauia P.S. Case No. 560 of 2020 instituted for the offences under Sections 376, 406, 506, 201, 313 and 34 of the Indian Penal Code read with Section 3 and 4 of the Dowry Prohibition Act.

Learned counsel for the petitioner submits that the petitioner is in custody since 19.12.2020, is a person with clean antecedent and charge-sheet has been submitted in the case.

Learned counsel for the petitioner submits that informant in the F.I.R. alleges that she was married to the brother of this petitioner about ten years ago and had a child from the wedlock, her husband died three years ago. It is further



alleged that this petitioner established physical relations on the pretext of marriage, the informant got pregnant but had to abort and the petitioner refused to marry.

Learned counsel for the petitioner submits that from perusal of the allegation as alleged in the F.I.R. it would manifest that the informant was earlier married to the brother of the petitioner and from the wedlock she had a child, the husband died and thereafter this petitioner was taking care of the informant and the child as such the informant developed soft feeling for the informant and thus wanted to get married and when the petitioner refused to marry, the present case came to be instituted. Learned counsel submits that it absolutely does not stand to reason that without consent of the informant how could the petitioner entered into physical relation when there is no allegation in the F.I.R. that the petitioner applied any coercion rather it is alleged that petitioner on the pretext of marriage committed the occurrence. Learned counsel further submits that as far as allegation of abortion is concerned, that has been alleged only to give serious colour to the case as the F.I.R. does not disclose who was the doctor who carried the abortion.

Learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner and submits that the victim in



her statement under Section 164 Cr.P.C. has supported the prosecution case.

Considering the fact that the petitioner is in custody since 19.12.2020, charge-sheet has been submitted in the case and the petitioner is a person with clean antecedent, let the petitioner above named 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 learned Chief Judicial Magistrate, West Champaran, Bettiah in connection with Majhauria P.S. Case No. 560 of 2020.

(Satyavrat Verma, J)

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