

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49345 of 2023

Arising Out of PS. Case No.-494 Year-2022 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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Dilip Ram Son Of Jay Narayan Ram Resident Of Village Sonversa, P.S.-
Kanti, District- Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pushpa Kumari Wife Of Ganesh Ram D/O Akindar Ram, Resident Of
Village- Sonversa, P.O.- Bisandarpur, P.S.- Kanti, District- Muzaffarpur, At
Present Residing At Village- Bhagwanpur, P.O.- Gheghwa, P.S.- Madhuban,
District- East Champaran

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar, Advocate
For the Opposite Party/s : Mr.Nitya Nand Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 16-08-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

2. In the present case, the petitioner is
apprehending his arrest in connection with Complaint Case No.
C-494 of 2022 wherein processes have been directed to be
issued after cognizance being taken for the offences under
Sections 498A, 323 and 354B of the Indian Penal Code.

3. As per prosecution case, the petitioner, who is
elder brother of the husband of the complainant, along with
other co-accused persons used to torture and treat the
complainant with cruelty on account of dowry demand. Further,



the allegation against the petitioner is that he committed rape with the complainant.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. No occurrence as alleged has ever taken place. The learned trial court took cognizance under Sections 498A, 323, 354B of the Indian Penal Code against the petitioner and other co-accused persons and did not take cognizance under Section 376 of the Indian Penal Code against the petitioner. The petitioner has been living separately from the husband of the complainant even prior to her marriage. The prosecution case is not believable against the petitioner and the learned trial court rightly disbelieved the offence under Section 376 of the Indian Penal Code. Since the petitioner has no concern with the husband of the complainant there is no occasion for demanding dowry or torturing the complainant. The allegations are general and omnibus against all the accused persons.

5. Learned APP opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the possibility of false implication, let the petitioner above named



in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs.20,000/- (Rupees Twenty Thousand Only) with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Sadar Motihari, East Champaran/concerned court in connection with Complaint Case No. C-494 of 2022, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions :

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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