

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68663 of 2022

Arising Out of PS. Case No.-38 Year-2022 Thana- MAHILA P.S. District- Patna

1. BHOGENDRA PASWAN Son of Rijhan Paswan Resident of Village- Singyahi Road, P.S.- Pupari, District- Sitamarhi
2. PRAMILA DEVI Wife of Bhogendra Paswan Resident of Village- Singyahi Road, P.S.- Pupari, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Manoj Kumar Manoj, Adv.
For the Opposite Party/s :	Mr.H.A. Khan, APP
	Mr.Binod Jee Verma, Adv.
	Mr.Alok Kumar Sinha, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 24-01-2023 Heard the parties.

The petitioners apprehend their arrest in connection with Patna, Mahila P.S. Case No.38 of 2022, registered for the offence punishable u/s 376 IPC and ³/₄ Dowry Prohibition Act.

As per the prosecution case, marriage of informant was fixed with the son of petitioners and on the said pretext, he committed rape upon the informant and threatened her to viral her photographs. Thereafter, petitioners demanded Rs.40 Lakhs as dowry and on denial, refused for marriage due to non-fulfillment of dowry demand.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence.



They have been falsely implicated in this case with ulterior motive. No such occurrence, in the manner as alleged, has ever taken place. The petitioners are not named in the FIR earlier and during course of investigation after four months, their names have been added. Petitioner no.1 is father and petitioner no.2 is the mother of the co-accused Dr. Nirmal Kumar Paswan and they have never made any dowry demand. There is no specific allegation against the petitioners. Petitioners have no criminal antecedent.

Learned APP for the State as well as learned counsel for the informant opposed the prayer for bail and submits that there is direct allegation of demand of dowry against the petitioners and the victim in her statement u/s 164 Cr.P.C. has categorically stated this fact.

Having regard to the facts and circumstances of the case, considering the statement of victim recorded u/s 164 Cr.P.C., I am not inclined to enlarge the petitioners on bail. The prayer for grant of anticipatory bail on their behalf is hereby rejected.

This application is accordingly dismissed.

(Anjani Kumar Sharan, J)

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