

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28160 of 2024

Arising Out of PS. Case No.-12 Year-2023 Thana- MAHILA PS District- Jehanabad

Nagendra Kumar, aged about 20 years, Gender-Male, Son of Surendra Yadav
@ Surendra Prasad Yadav, Resident of Village- Agni, Post Office- Agni,
Police station- Belaganj, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar, Advocate Mr. Ajay Kumar, Advocate Mr. Sahajanand Sharma, Advocate
For the State	:	Mr. Ajit Kumar, A.P.P.
For the Informant	:	Ms. Kumari Jyoti, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 19-04-2024 Heard Mr. Ashok Kumar, learned counsel appearing
on behalf of the petitioner; Mr. Ajit Kumar , learned APP for the
State and Ms. Kumari Jyoti, learned counsel for the informant.

2. The petitioner seeks pre-arrest bail in connection
with Jehanabad Mahila P.S. Case No. 12 of 2023, registered for
the offence punishable under Sections 376, 420/34 of the Indian
Penal Code and Section 3/4 of the Dowry Prohibition Act.

3. As per the allegation made in the FIR, elder brother
of the petitioner, namely, Birendra Kumar, had deceived the
informant on the pretext of marriage and, thereafter, when the
family member of the informant went to the house of the
petitioner to talk about marriage, then family members of the
petitioner had brutally assaulted the family members of the



informant and refused to perform the marriage with the Birendra Kumar.

4. Learned counsel appearing on behalf of the petitioner submitted that petitioner is innocent and has falsely been implicated in the present case. Petitioner is the younger brother of the main accused, namely, Birendra Kumar, and he has no concern with the love relationship or any relationship of the informant. Petitioner being the younger brother of the main accused has also been roped in the present FIR along with the other family members. Petitioner is a student and he is pursuing his studies. Petitioner has clean antecedent. On these grounds, petitioner seeks to be released on pre-arrest bail.

5. Ms. Kumari Jyoti, who has tendered her appearance on behalf of the informant has submitted that petitioner is one of the facilitator, who had participated in the alleged crime. There is transaction of money between the parties for solemnizing marriage with the elder brother of the petitioner and complicity of the petitioner cannot be denied in the alleged offence.

6. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

7. Considering the rival submissions made on behalf of the parties, as well as, the fact that petitioner is the younger



brother and the main accused, namely, Birendra Kumar with whom the the informant has admitted her relationship, I don't find that petitioner, in any manner, had either assaulted or had decievd the informant on the pretext of marriage. Petitioner having clean antecedent, I am of the opinion that petitioner has, *prima facie*, made out a case to be released on pre-arrest bail.

8. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of his/her arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Jehanabad, in connection with Jehanabad Mahila P.S. Case No. 12 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

9. The Court below is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J)

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