

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50585 of 2024

Arising Out of PS. Case No.-26 Year-2024 Thana- MAHILA P.S. District- Siwan

Sandeep Kumar Sah Son Of Nagnarayan Sah Resident Of Village- Sarsa, P.S.-
Dhanauti, Distt.- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramadhar Shekhar, Advocate

For the State : Mr. Umeshanand Pandit, A.P.P.

For the Informant : Mr. Ajay Kumar Tiwary, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 20-08-2024 Heard learned counsel for the petitioner, informant
and the State.

2. Petitioner apprehends arrest in a case registered for
the offences punishable under Sections 376, 420, 120(B) of the
Indian Penal Code and Sections 3/4 of the Dowry Prohibition
Act.

3. As per the prosecution case, sister of the informant
was married with Dharmendra Sah in village Paigampur, Siwan
where she met with this petitioner who on promise of marriage,
established physical relation with her. The relationship
continued for three years and when the matter came into
knowledge of family member, they fixed the date of marriage on
26.2.24 but thereafter, dowry of Rs. 4 lacs and a bullet
motorcycle were made and due to non-fulfillment of the same,
petitioner refused to perform marriage.

4. Learned counsel for the petitioner submits that



from bare reading of the F.I.R. it is apparent that both parties were major and enjoyed each other's company for three years and indulged in sexual act being fully aware about the consequence of such relationship and as such, the same cannot be said to be induced or involuntary. Allegation of demand of dowry is ornamental only to make the case grave. Petitioner has got clean antecedent.

5. Learned counsel for the informant vehemently opposed the bail application.

6. Considering the aforesaid facts and circumstances of the case, this anticipatory bail is allowed and it is ordered that let the above named petitioner in the event of his arrest/surrender before the court below within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Sub-Divisional Judicial Magistrate, Siwan in connection with Mahila P. S. Case No. 26 of 2024, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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