

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.78159 of 2023**

Arising Out of PS. Case No.-4 Year-2023 Thana- GAUNAHA District- West Champaran

OM NARAYAN KAZI S/O RAMCHANDRA KAZI VILLAGE- MAHUI,  
PS. MATIYARIA, DIST. WEST CHAMPARAN.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Milind Kumar Mishra

For the Opposite Party/s : Mr.Anil Kumar

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH  
SINGH**

ORAL ORDER

5      25-06-2024                      Heard learned counsel for the petitioner and learned  
A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Gaunaha P.S. Case No. 04 of 2023 dated 06.01.2023 registered for the offences punishable under sections 149/376/120B/420 of the Indian Penal Code & section 3/4 of the Dowry Prohibition Act.

3. As per the prosecution case, the petitioner established illicit physical relationship with the informant on the pretext of marriage. Further, the petitioner demanded Rs. 8 lakh as dowry then the informant's mother paid Rs. 6 Lakhs to the petitioner's family. When the informant's mother went to fix the date of marriage, then the accused persons demanded car as



dowry. They denied to perform marriage due to non-fulfillment of demand of car as dowry.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. Nothing has been recovered from the conscious possession of the petitioner. Learned counsel has further placed reliance in *Mandar Deepak Pawar Vs. State of Maharashtra & Anr. (Criminal Appeal No. 442 of 2022)* in which “a distinction was made between a false promise to marriage which is given on understanding by the maker that it will be broken and a breach of promise which is made in good faith but subsequently not fulfilled.” The petitioner never demanded any kind of dowry. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 08.09.2023.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Bettiah, West Champaran in connection with



Gaunaha P.S. Case No. 04 of 2023.

7. The application stands allowed.

**(Chandra Prakash Singh, J)**

Ranjeet/-

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