

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23804 of 2022

Arising Out of PS. Case No.-324 Year-2021 Thana- CHIRAIYA District- East Champaran

Dhiraj Kumar S/O Sogarath Das R/o village- Simra, P.S.- Chiraiya, District-
East Champaran at Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Radha Mohan Singh, Advocate

For the Opposite Party

No.-2 : Mr. Ajay Kumar Tiwary, Advocate

For the State : Mr. Mithlesh Kumar Khare, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 20-09-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State

through virtual Court proceedings.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Chiraiya
P.S. Case No. 324 of 2021 registered for the offence under
Sections 354(D), 506 and 34 of the Indian Penal Code, under
Section 08 of the POCSO Act, under Section 67(A) of the
Information Technology Act and under Sections 03 and 04 of
the Dowry Prohibition Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 17.03.2022.



The allegation against the petitioner is to outrage the modesty of minor daughter of the informant and also alleged to capture photograph of victim from his mobile. It is further alleged that the marriage with petitioner could not successfully negotiated, as additional demand of one motorcycle and golden chain was raised after payment of Rs. 2,00,000/- in cash, as dowry.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner has been falsely implicated in present case as marriage could not negotiated between the parties, which is apparent from F.I.R. itself. It is further submitted that marriage has been solemnized on 23.01.2022 between the parties and victim is living with her in-laws. It is also submitted that victim shows her desire to marry with petitioner, as per statement recorded under Section 164 of the Cr.P.C. It is also submitted that charge-sheet has not been submitted for rape/penetrative sexual assault. While concluding the argument, it has been submitted that investigation has been completed, and as such, there is no chance of tampering with the evidence.

Learned APP duly assisted by learned counsel, Shri Ajay Kumar Tiwary, appearing on behalf of informant, while



opposing the prayer of bail, fairly conceded that the victim solemnized her marriage with petitioner on 23.01.2022. It is further submitted that victim was major at the time of occurrence and, at presently, she is about twenty years' old, residing presently in her matrimonial home.

Considering the facts and circumstances as mentioned above, as F.I.R. suggest demand of dowry, in the background of, unsuccessful marriage negotiation coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Chiraiya P.S. Case No. 324 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 6th A.D.J.-cum-POCSO, East Champaran at Motihari/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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