

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.37795 of 2016**

Arising Out of PS.Case No. -157 Year- 2016 Thana -BAHADURPUR District- DARBHANGA

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Chhotu Yadav @ Chhote Yadav, S/o Rameshrestha Yadav, resident of  
village - Pokharsama, P.S. Bahadurpur, District Darbhanga.

.... .... Petitioner

Versus

The State of Bihar

.... .... Opposite Party

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**Appearance :**

For the Petitioner/s : Mr. Dharmendra Jha, Advocate

For the Opposite Party/s : Mr. Satyavarat Verma, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR**  
**MANDAL**  
**ORAL ORDER**

3      23-11-2016                      Heard counsel for the petitioner and Mr. Dayal,  
  
A.P.P. for the State.

Petitioner prays for Anticipatory Bail in Bahadurpur  
P.S. Case No. 157 of 2016, registered under section 376/34 of  
Indian Penal Code and Section 3/4 of Dowry Prohibition Act.

Soon after the death of the husband of the informant,  
it is alleged that petitioner being the 'Dewar' established physical  
relationship with the informant against her will. Subsequently, an  
assurance was given to marry her. Under the pressure of the  
Police authority, the petitioner married with her, but subsequently  
he started torturing her on account of non-fulfilment of demand  
of dowry. Further allegation is that with the consent of the  
petitioner, the in-laws attempted to get him re-married.

Contention of the petitioner is that owing to the dispute over the partition of land, the F.I.R. has been lodged. A Panchayati was also held wherein separate land/house was allotted to the victim. No case under Section 376 of I.P.C. probably be made as it was not forcible or against her will, rather it was with the consent of the informant.

Learned A.P.P. opposed the prayer and submitted that the consent if at all was obtained under misrepresentation. There is specific allegation of demanding of dowry and torture upon the informant.

In my considered view, it is not a fit case for grant of Anticipatory Bail. The prayer is accordingly rejected. The petitioner shall surrender before the court below and pray for bail, which shall be considered and disposed of on its own merit in accordance with law.

**(Kishore Kumar Mandal, J)**

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