

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23771 of 2016

Arising Out of PS.Case No. -143 Year- 2015 Thana -SANGRAMPUR District- MUNGER

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Arun Kumar @ Munna, son of Gopal Yadav, Resident of village- Bamber,
P.S.-Tetia Bamber, District- Munger

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjiv Kumar Singh, Advocate

For the Opposite Party/s : Mr. E.Jawahar (APP)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 13-07-2016 Heard learned counsel for the petitioner, learned

APP for the State as also learned counsel appearing for the

prosecutrix.

Petitioner apprehends arrest in connection with

Sangrampur (Tetia Bamber) P.S. Case No. 143/15 for offences

alleged under Sections 376, 504, 506/34 of the Indian Penal Code

and under Section 34 of the Dowry Prohibition Act.

The prosecution case, as lodged by the informant

prosecutrix, is that she was in love with petitioner for three

months. On 23.11.2015 at 11.00 P.M. petitioner came to the house

of the prosecutrix, put vermilion on her forehead, established

sexual relationship with her and in the morning left the house.

It has been submitted by the learned counsel for



the petitioner that no case under Section 376 of the Indian Penal Code is made out against him, as it was a consensual relationship as held in the case of Tilak Raj Vs. State of Himachal Pradesh since reported in (2016) 2 Supreme Court Cases (Cri) 247 wherein also the trial court had upheld the acquittal order under Section 376 of the Indian Penal Code. It has further been submitted that the petitioner has no criminal antecedent and no demand was made in lieu of marriage, hence, Section 34 of the Dowry Prohibition Act is also not attracted. He further submits that the First Information Report has been registered on 01.12.2015 of an occurrence of 23.11.2015 and no plausible explanation has been given for the inordinate delay.

However, learned counsel for the prosecutrix submits that she was allured on the pretext of marriage and a demand of Rs. 10 lakhs has also been made, hence, vehemently opposes the prayer for bail.

Learned APP for the State submits that the petitioner is named in the First Information Report and although at paragraph 43 of the case diary prosecutrix has been shown to be major by the Medical Board, but opposes the prayer for bail.

Be that as it may, let petitioner, above named, in the event of his arrest or surrender before the court below within a

period of eight weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Munger, in connection with G.R. No. 2215/15, arising out of Sangrampur (Tetia Bamber) P.S. Case No. 143/15, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Nilu Agrawal, J.)

Rajesh/-

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