

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25601 of 2019

Arising Out of PS. Case No.-430 Year-2018 Thana- ALAMGANJ District- Patna

Md. Meraj Ansari @ Md. Meraz Alam, Son of Md. Mustaqueem Ansari @
Md. Mustaqueem Ansari @ Mukhtar Ansari, Resident of Mohalla- Zero Mile
Pahari, Road, Near Pawan Petrol Pump Barihata Pahari, Police Station-
Agamkuan, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Rana Majharu Ansari @ Sidara, Daughter of Late Md. Majharul Ansari @
Md. Majharul, Resident of Narkat Ghat School, Police Station- Alamganj,
District- Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Birendra Kumar Singh
For the Opposite Party/s : Mr. Ram Bachan Singh

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

ORAL ORDER

2 26-04-2019 Heard learned counsel for the petitioner and
learned APP for the State.

The petitioner apprehends his arrest in connection
with Alamganj P.S. Case No. 430 of 2018 registered for the
offence punishable under Sections 354, 506, 376/34 of the
Indian Penal Code and Section 3/4 of Dowry Prohibition Act.

Marriage of the informant was settled with the
petitioner and date of their engagement was fixed, but preceding
to the aforesaid date, father of the petitioner demanded Rs. 11
lac in dowry. However, her maternal people accorded Rs. 8 lac



to them, but even then, they did not perform marriage of the petitioner with the informant till the payment of the rest of the amount and finally refused the same. Further allegation is that, in the meantime, the sexual cohabitation continued to be established between them.

It is submitted by learned counsel for the petitioner that no such occurrence as alleged ever took place. Petitioner has not made any demand of dowry. There is no allegation of establishing sexual cohabitation with the informant deceiving/alluring her on the pretext of her marriage with the petitioner rather both the parties were consented to the said relation. Hence, no offence under Section 376 IPC is made out. As a matter of fact, the petitioner had joined the job in Dubai on 27.12.2017 and in order to ruin his career, the informant has lodged this false and frivolous case against him.

On the other hand, learned APP opposed the bail prayer of the petitioner.

In the facts and circumstances of the case, let the above named petitioner be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount



each to the satisfaction of learned A.C.J.M. 1st, Patna City in connection with Alamganj P.S. Case No. 430 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Prakash Chandra Jaiswal, J)

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