

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.6148 of 2020**

Arising Out of PS. Case No.-86 Year-2019 Thana- MAHILA P.S. District- Samastipur

RAMBALI PATHAK @ RAMBALI KUMAR PATHAK R/o village- Neerpur
Mujauna, P.S.- Muffasil, District- Samastipur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate Mr. Shashank Shekhar, Advocate
For the Opposite Party/s	:	Mr. Amit Kumar Rakesh, APP
For the Informant	:	Mr. Rajeev Kumar Sinha, Advocate

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 08-07-2020 Heard learned counsel for the petitioner and learned
APP for the State as also learned counsel for the informant.

The petitioner in the present case is seeking anticipatory bail in connection with Mahilla P.S. Case No. 86 of 2019 registered for the offences punishable under Section 376 of the Indian Penal Code and Sections 3 of Dowry Prohibition Act.

Learned counsel for the petitioner submits that the informant in this case is a lawyer aged about 35 years and from the statements made in the First Informant Report as well as before the Mahila Ayog it would appear that the informant had given consent for establishing physical relationship with the petitioner and it was consented relationship. It is submitted that the allegation that later on the petitioner had refused to marry the informant as his brothers who were the guardians of the petitioner demanding a dowry of



Rs.15 lakhs in the name of petitioner being an employed person is not correct. It will appear from the First Information Report itself that the petitioner had allegedly stated that he will marry only with the consent of his brothers and he will not go against their wishes.

Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner. It is submitted that the petitioner was employed as a clerk in the Lok Adalat in the Civil Court premises at Samastipur where the victim lady was also practising as a lawyer and the petitioner in fact obtained the consent of the informant on the pretext of marriage and had started living with the informant like husband and wife by regularly visiting her rented house but later on he refused to marry the victim lady as his brothers informed the father of the informant that hundreds of people are looking for the marriage with the petitioner and they are ready to pay a sum of Rs.15 lakhs and one car in dowry and if the same is made available by the father of the informant then only the marriage can take place.

Submission of learned APP for the State has been endorsed by learned counsel for the informant.

Having regard to the facts and circumstances of the case wherein this Court has noticed that according to the prosecution case the petitioner had established physical relationship repeatedly after giving a proposal of marriage and on the pretext of marriage



with the informant and then he was regularly visiting her house, living with her pretending as husband and wife and after continued relationship of about two years and regular physical relationship, allegedly he refused to marry the informant because her father was not able to provide the dowry of Rs.15 lakhs and a car, I am not inclined to grant privilege of anticipatory bail to the petitioner. The prayer for anticipatory bail is, thus, refused.

In case the petitioner surrenders or prays for regular bail before the learned court below within four weeks from today, his prayer for regular bail shall be considered on its own merit without being prejudiced by the present order of this Court.

The application is dismissed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

