

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 9431 of 2020

Arising Out of PS. Case No.-119 Year-2018 Thana- MAHILA P.S. District- Patna

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Anand Dev, aged about 28 years, Male, S/o Late Kamta Das, Resident of
Village- Jalgovind, P.S.- Achuara, Distt- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Usha Maheshwari, D/O Maheshwar Das, resident of Mohalla- Lohia Nagar,
M.I.G.-287, P.S.- Kankarbagh, District- Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Rakesh Kumar Sharma, Advocate
For the State	:	Mr.Humayou Ahmad Khan, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 23-06-2020 Heard learned counsel for the petitioner, the State and
the informant through the virtual court proceeding.

The petitioner apprehends his arrest in connection
with Patna Mahila P.S. Case No.119 of 2018 registered for the
offences punishable under Sections 354(C)/354(D), 376, 120B,
420/34 of the Indian Penal Code and ³/₄ of Dowry Prohibition
Act.

The prosecution story in brief is that one Usha
Maheshwari, daughter of Maheshwar Das has given her typed
written complaint before the SHO, Patna Mahila Police Station
alleging therein that there was talk of marriage and negotiation
between the family members of informant and family members
of petitioner, initiated in February, 2017. She further alleged that



the petitioner is working as a Junior Manager in Bokaro Steel Plant and in between the negotiation of marriage, Anand Dev contacted to the informant on Facebook Messenger on 25.08.2017. It is further alleged that the marriage was finalized and the petitioner called the informant to come to Ranchi for purchase of engagement ring. The informant came to Ranchi and both stayed in Room No.302 of Hotel Rasho where it has been alleged that the petitioner has established physical relation with the informant against his wishes.

Learned senior counsel for the petitioner submits that the petitioner is quite innocent and has falsely been implicated in the present case only with a view to harass and blackmail him. The allegations made in the F.I.R. is completely false and fabricated. The petitioner neither made physical relation ever with the informant as alleged in the F.I.R. nor he or his family members demanded dowry from the informant or her family members. Petitioner is working as a Junior manager in Bokaro Steel Plant. Learned senior counsel for the petitioner further submits that the informant filed a complaint before the Women Helpline Patna on 13.04.2018 where she has given in writing on 18.04.2018 that she wants rupees three lacs as a compensation for mental torture. On the same day i.e. 18.04.2018, petitioner



has given rupees three lacs to the informant and thereafter the informant has given in writing that she excuses petitioner and she will not pursue the matter further and want to close it and accordingly, the complaint was closed by the Women Helpline, Patna. Learned senior counsel for the petitioner further submits that the informant has filed the complaint on 04.05.2018 before the Bihar State Women Commission, Patna for the same allegation as she has previously filed the complaint before the Women Helpline, Patna the Case No.822 of 2018 has been registered. In the proceeding, petitioner has presented all the documents before the Commission and the Commission after hearing all the parties closed the case on 10.08.2018 on the ground that the matter has already resolved on compromise before the Women Helpline, Patna. Learned senior counsel for the petitioner further submits that again she filed the present F.I.R. against all the family members for the same allegations as she made before the Women Helpline and the Bihar State Women Commission, Patna. The informant only added subsequent Act only with a view to stand a case against all the family members only with a view to extort money from them. He further submits that now the marriage of the informant has already been solemnized on 08.03.2018 with some other person



(Annexure-6 of the bail petition).

Learned counsel for the informant submits that the petitioner committed alleged offence by cheating and false plea for which F.I.R. lodged vide Annexure-1 dated 23.08.2018 of this petition and subsequently, statement under Section 164 Cr.P.C. of the victim/ opposite party no.2 has been recorded on 31.10.2018 before the learned Judicial Magistrate Ist Class, Patna by which it transpires that petitioner had committed sexual relation forcefully with opposite party no.2 by cheating on false plea of marriage further demand of 35 lacks Rs. and 5 Kattha land at Barh had been made and on refusal and protest, the petitioner and his family members have been abused and threatened to kill. He further submits that the petitioner on submission of false and fabricated papers, obtained the order dated 10.08.2018 from the Bihar State Women's Commission, Patna in absence of the opposite party no.2. He further submits that the statements are false with a view to mislead this Hon'ble Court as the opposite party no.2 kept pursuing towards justice against the allegation levelled against the petitioner and hence there is no question of extortion money of Rs.3 lacs, compromise or close the matter and which is unreliable and unfounded. It is admitted fact that the informant has already



been solemnized on 08.03.2018 with some other person. It is admitted fact that the Bihar State Women Commission, Patna after hearing all the parties closed the case on 10.08.2018 on the ground that the matter has already resolved on compromise before the Women Helpline, Patna. Thereafter, the informant has filed the present F.I.R. against all the family members of the petitioner.

Learned A.P.P. for the State has opposed the prayer for bail.

In the facts and circumstances of the case, let the above named petitioner be released on bail, in the event of arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (twenty five thousand) only with two sureties of the like amount each to the satisfaction of learned J.M. Ist Class, Patna in connection with Patna Mahila P.S. Case No. 119 of 2018, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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