

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55560 of 2019

Arising Out of PS. Case No.-87 Year-2019 Thana- MAHILA P.S. District- Bhojpur

BITTU KUMAR SHARMA @ BITTU KUMAR Son of Meghnath Singh
Resident of Mithapur, P.S.-Bihta, District-Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N. K. Agrawal, Sr. Adv. Mr. Saket Tiwary, Adv.
For the Opposite Party/s	:	Mr. J. N. Thakur, APP
For the Informant	:	Mr. Binod Kumar Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 04-03-2020 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 323, 504, 506, 498A, 376, 354 (D) (1)(ii) of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

The prosecution case as per the written report of Lilawati Kumari submitted before the S.H.O., Bhojpur Mahila Police Station is to the effect that the informant developed intimacy with the petitioner in the year 2017, and thereafter, on pretext of marriage, the petitioner established physical relationship with the informant. On 2.11.2017, the petitioner performed marriage with the informant in Sorapur temple and continued establishing



physical relationship, but thereafter, he never took her to his house. Subsequently, the petitioner got employed in Delhi and he took the informant to Delhi. It is further alleged that on 13.03.2019, the informant came to know that the petitioner is going to perform marriage with some other lady and when the informant made protest, she was deserted by the petitioner.

It is submitted by learned counsel for the petitioner that there is no proof with regard to marriage of the petitioner with the informant and even assuming the accusation to be true, the informant being a major, no offence under Section 376 of the I.P.C. is made out against the petitioner, as the relationship is alleged to have been established with consent. It is further submitted that on 05.06.2017 one Chanchal Devi filed a complaint case, being Complaint Case No. 695 C of 2017 against the informant alleging therein that the informant is indulged in flesh trade and she falsely implicates innocent people. The informant is a married lady and she has filed Matrimonial Suit No.158 of 2018 for dissolution of her marriage with one Uday Chaudhary which reflects that false accusation has been levelled against the petitioner. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.



Learned counsel for the informant and learned APP for the State after going through the case diary submit that the informant has deposed that the petitioner established physical relationship with her and both resided at Delhi together and the informant also put her signature on the rent agreement.

Considering the nature of accusation and the fact that the complainant has filed a matrimonial suit with a prayer for dissolution of marriage with one Uday Chaudhary, coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 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 the learned SDJM, Bhojpur at Ara, in connection with Mahila P.S. Case No.87 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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