

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16927 of 2021

Arising Out of PS. Case No.-27 Year-2019 Thana- MAHILA PS District- Gaya

=====

RANJEET KUMAR Son of Sri Raju Paswan Resident of Village - Garaiya,
P.S.- Wazirganj, Distt.- Gaya. Petitioner/s

Versus

The State of Bihar Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. Avinash Kumar Singh, Advocate Mr. Aryan Singh, Advocate Mr. Gajendra Kumar Singh, Advocate
For the State	:	Mr. Birendra Kumar Singh, APP'
For the Informant	:	Dr. Mritunjaya Kumar Gautam, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 16-09-2021 Heard learned counsel for the parties through video conferencing.

The petitioner has preferred this application for grant of regular bail in a case registered under section 376 and other sections of the Indian Penal Code and sections 3 and 4 of the Dowry Prohibition Act.

As per the prosecution case, as a result of acquaintance between the informant and the petitioner, it is stated that the petitioner forcibly established physical relations with her as a result of which she started to cry. Thereafter, an understanding was arrived at that they would be married, however, subsequently, the family of the petitioner was not ready for marriage.

It is submitted by learned counsel for the petitioner



that the allegations as narrated in the FIR are false and concocted. From perusal of the FIR itself it would transpire that the same has been registered after a delay of nearly 10 months with no explanation for the delay. The informant is a major aged 19 years. The physical relations between the petitioner the informant was consensual. No offence under section 376 of the IPC would be made out against the petitioner. It was as a result of differences that the grand father of the petitioner lodged a complaint case and in retaliation thereto, the instant FIR has been registered with false allegations. The petitioner is in custody since 5.10.2020 and has no criminal antecedent.

The application for bail is opposed by learned APP for the State and learned counsel for the informant who submits that not only the petitioner is named in the FIR but there is direct allegation against him.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, the allegations levelled in the FIR as also the contents of the statement under section 164 Cr.P.C, the Court is not inclined to enlarge the petitioner on bail and the application is rejected

(Partha Sarthy, J)

Prakash/-

U			
---	--	--	--

