

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33080 of 2021

Arising Out of PS. Case No.-6 Year-2020 Thana- MAHILA District- Munger

SUMIT KUMAR, aged 25 years (Male), Son of Chandrashekhar Yadav,
Resident of Gandhipur, P.S.- Bariyarpur, District- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sourendra Pandey, Advocate

For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

2 26-10-2021 Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner apprehends his arrest in a case registered
for the offence punishable under Sections 493, 341, 323, 504,
506, 313 and 34 of the Indian Penal Code and Sections 3 and 4
of Dowry Prohibition Act.

As per FIR, informant in her written complaint has
alleged that her cousin's brother-in-law, namely, Sumit Kumar
(petitioner) developed intimate relation with her in the year
2015 and he established physical relationship with her on
promise of marriage. On 28.09.2017, petitioner in order to
convince the informant also put vermilion in front of a picture
of God at her house accepting her to be his wife. Thereafter,
their relationship continued and she even became pregnant

which was aborted by the petitioner and finally when the family approached for their marriage in the year 2019, dowry demand was made by mother of the petitioner and other accused threatened her with dire consequences.

It has been submitted on behalf of the petitioner that he is innocent and has falsely been implicated in this case. It is further submitted that informant was married thrice earlier, while two of her previous husbands had left her because of her behaviour, the third husband died due to illness. Petitioner and informant are relatives and when petitioner got the service in Police, informant started pressurizing petitioner to marry her. All allegations levelled against petitioner is false, fabricated and concocted.

It is further submitted that even for the sake of argument, the allegations made in FIR is presumed to be true, same will not constitute any criminal offence, as both are major and it was a consensual relation.

Petitioner has no criminal antecedent.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on anticipatory bail, in the event of his/her arrest or surrender before the court below within a period of four weeks from

today, on furnishing bail bond of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Mahila (Munger) P.S. Case No.06 / 2020 subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(S. Kumar, J)

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