

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37711 of 2021

Arising Out of PS. Case No.-45 Year-2021 Thana- OBRA District- Aurangabad

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Anuj Kumar @ Anju Kumar Son of Ram Khelawan Singh Resident of
Village- Chapra Bigha, Hariharganj, P.S.- Obra, District- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Santosh Kumar Pandey, Advocate

For the Opposite Party/s : Dr. APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 08-12-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Obra P.S. Case No. 45 of 2021 dated 01.03.2021 instituted for
the offences under Section 379 of the Indian Penal Code read
with Sections 3 and 9 of the Dowry Prohibition Act.

Learned counsel for the petitioner submits that the
petitioner is in custody since 02.03.2021, is a person with clean
antecedent and charge-sheet has been submitted in the case.

Learned counsel for the petitioner submits that from
bare perusal of the allegation as alleged in the F.I.R. it would
manifest that the informant alleges that the petitioner is his
relative and both were on talking terms and they fell in love
with each other and the petitioner was ready to perform



marriage. It is further alleged that they also entered into physical relation for nearly one year and thereafter it is alleged that the petitioner refused to perform marriage and demanded Rs. 7 lakhs as dowry.

Learned counsel for the petitioner submits that from perusal of the allegation as alleged in the F.I.R. it would manifest that the informant admits that petitioner was known to him, they were in love and with consent they entered into physical relation and as far as allegation relating to marriage and demand of dowry is concerned, the same are ornamental in nature. Learned counsel for the petitioner submits that it does not stand to reason that the informant being major on her volition entered into this relationship and later on the present F.I.R. came to be instituted alleging that petitioner refused to marry her. Learned counsel submits that the informant was well aware of the consequences of her action and it is not the case of the informant that she was forced into this relationship rather she on her own volition had entered into this relationship very well realising that the act of physical intimacy before marriage was ought not to have been entered into.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner.



Considering the fact that the informant was a major and she understood the consequences of her relationship and the act in which she was indulging, petitioner is in custody since 02.03.2021, charge-sheet has been submitted in the case and the petitioner is a person with clean antecedent, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Daudnagar, Aurangabad in connection with Obra P.S. Case No. 45 of 2021 subject to the condition as laid down under Section 437 (3) Cr.P.C.

(Satyavrat Verma, J)

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