

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36891 of 2020**

Arising Out of PS. Case No.-122 Year-2019 Thana- MAHILA P.S. District- Bhojpur

Gollu Kumar, Son Of Mithilesh Rai Resident Of Village_Situhari, P.S.-
Narayanpur, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravindra Kumar- Advocate

For the Opposite Party/s : Mr. A.P.P.

**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER**

4 06-07-2021 Heard Mr. Ravindra Kumar, the learned Advocate
for the petitioner and the learned APP for the State.

The petitioner seeks bail in anticipation of his arrest in connection with Bhojpur Mahila P. S. Case No.122 of 2019, instituted for the offences under Sections 341, 323, 376/34 of the Indian Penal Code and section 3/4 of the Dowry Prohibition Act.

The accusation in the F.I.R. is that while the prosecutrix had gone to her aunt's house, she came in contact with the petitioner who on assurance of marrying her, subjected her to sexual intercourse. The petitioner is said to have stayed in the house of the prosecutrix for about 25 days. On one day, he went out of the house along with his friend, never to come back.

Later, when the prosecutrix wanted to enter the



family house of the petitioner, she was forbade from doing so. She was made to understand that unless Rs. Two lacs is paid by way of dowry, she would not be permitted to enter the household of the petitioner.

The learned Advocate for the petitioner has submitted that from the narration made in the F.I.R., no case under section 376 of the I.P.C. can at all be said to have been made out. This is a cleaver strategy on the part of the prosecutrix to anyhow coerce the petitioner and his family members to submit to the demand of the prsecutrix of marrying her.

Apart from this, it has been submitted that all other family members of the petitioner have been made accused and even the physically handicapped persons have not been spared.

Be that as it may, regard being had to the accusation made against the petitioner of having subjected the victim to sexual intercourse on the assurance of marriage, I am not inclined to grant anticipatory bail to him.

The prayer for grant of anticipatory bail to the petitioner is rejected.

However, if the petitioner surrenders before the Court below and seeks bail, all the facts noted above shall be taken into account and shall pass orders in accordance with law,



without being prejudiced by the fact that the present anticipatory
bail application has not been entertained by this Court.

(Ashutosh Kumar, J)

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