

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5160 of 2021

Arising Out of PS. Case No.-131 Year-2019 Thana- MAHILA P.S. District- Patna

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Krishna Raja @ Krishna Kumar @ Raja Kumar (M) aged about 22 years, Son of Umesh Kumar Singh R/O Village-Sutihara Tole Barha (Kumma), P.S.-Parihar, Distirct-Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Sri Krishna Prasad Singh, Sr. Adv. Mr. Mithilesh Kumar, Adv.
For the State	:	Mr. Nawal Kishore Prasad, APP
For the Informant	:	Smt. Nivedita Nirvikar, Adv.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 23-06-2021 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in Patna Mahila P.S. Case No. 131 of 2019, registered for the offence under Sections 376, 420, 34 of the Indian Penal Code.

As per the prosecution case, on the false promise of marriage, the petitioner established physical relationship with the informant and later on, he declined to marry her due to non-fulfillment of demand of dowry.

It is submitted on behalf of petitioner that both petitioner and informant are major and they were in relationship with each other for quite some time and enjoyed each other's



company. It is not a case of a passive submission in face of any psychological pressure exerted, rather there was tacit consent, given by her (informant), which was not the result of misconception. Both of them agreed to have sexual intercourse on account of love and passion. On account of circumstances, which he could not have foreseen or which were beyond his control, he was unable to marry her despite any intention to do and as such, no case under Section 376 and 420 of the I.P.C. is made out against the petitioner. Petitioner has got clean antecedent and he is in custody since 02.09.2020. Chargesheet has already been submitted.

However, learned counsel for the informant has vehemently opposed the bail petition and submitted that the petitioner has not only sexually exploited the informant but also after taking some advance money, as dowry, has refused to marry her, since there was dowry demand of Rs. Ten lacs, and as such, the petitioner does not deserve the privilege of bail.

Considering the rival submissions of the parties and the materials available on record, the bail petition of petitioner is allowed. Let the above named petitioner be released on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Smt.



Madhvi Singh, learned Judicial Magistrate 1st Class, Patna in connection with Patna Mahila P.S. Case No. 131 of 2019, on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below, and on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.”

(Prabhat Kumar Singh, J.)

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