

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60172 of 2021**

Arising Out of PS. Case No.-149 Year-2021 Thana- DURAULI District- Siwan

RAKESH KUMAR RAM @ RAKESH KUMAR, aged about 26 years,
Gender-Male, S/o- Satya Narayan Ram, Resident of Village- Krishnapali,
P.S.- Darauli, District- Siwan, Bihar.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Vikash Kumar Pankaj, Advocate
For the Opposite Party : Mr. Surendra Prasad Singh, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER**

2 26-11-2021 Learned counsel for the petitioner is directed to

remove the defects, as pointed out by the office, within a period

of eight weeks.

Heard learned counsel for the petitioner and learned
counsel for the State through Virtual mode.

The petitioner is apprehending his arrest in connection
with Drauli P.S. Case No. 149 of 2021 for the offence registered
under Sections 376 and 417 of the I.P.C.

The prosecution story, in brief, is that the informant
and the petitioner was in love affair since last seven years and
on the pretext of marriage, the petitioner established physical
relation with the informant. When the informant asked to marry,
petitioner demanded Rs. 3-4 Lacs as dowry from the informant.



Later on, the informant went to Chandigarh then she came to know through phone call that the petitioner's parents, sister and sister's husband performed marriage of the petitioner against his wish on 15.06.2021 and when she enquired about this from the petitioner, he asked her to marry elsewhere and that she cannot harm him at all.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. He has falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner denies the fact that the said promise for marriage was a false promise. Rather he submits that a consensual physical relationship was established between the petitioner and the victim. Hence, for the said reason, no offence under Section 376 of the I.P.C. is made out. In support of the aforesaid contention, the petitioner has further relied upon the judgment delivered by Hon'ble Supreme Court in case of (Dr. Dhruvaram Murlidhar Sorav-Vs-The State of Maharashtra and Ors) reported in 2019 SCC OnLine SC 3100 and also in case of (Maheshwar Tigga Vs. The State of Jharkhand) reported in 2020 SCC OnLine SC 779.

On behalf of the State, it is submitted that the



petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances of the case, let the petitioner above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned J.M. Ist Class, Siwan, in connection with Drauli P.S. Case No. 149 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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