

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10288 of 2022

Arising Out of PS. Case No.-1104 Year-2021 Thana- KANKARBAG District- Patna

CHANDRAMANI BHARTI Son of Sahendra Prasad Singh Resident of
Village - Balaour, P.s.- Kurbani , Distt.- Muzaffarpur, at Present Bhojpur
Colony, Ashok Nagar Road no.8, P.s.- Kankarbagh, Distt.- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Krishan Jha, Advocate

For the Opposite Party/s : Mr. Nirmal Kumar Sinha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 29-11-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 376, 420,
323, 387, 504 and 34 of the Indian Penal Code.

The informant alleges that in March 2018 she met the
petitioner who on the promise of marriage established physical
relation with her continuously, thereafter, on 22.09.2021, he got
the registration done in the Court for solemnization of Court
marriage and on 26.09.2021, performed secret marriage with the
informant in a temple, but when on 29.09.2021, informant was
not accepted by the petitioner's family members hence she was
ousted after being abused, it is next alleged that thereafter she



complained to the police and the police asked the petitioner to keep the informant which the petitioner did for a week and again established physical relation at a new residence, it is further alleged that petitioner's father, mother and brother came and assaulted the informant and demanded extortion of Rs. 25,00,000/- and for non-fulfillment of the same ousted her, thus alleges that petitioner on false promise of marriage established physical relation with her.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent, it is next submitted that notices were issued upon the informant by Order Dated 06.09.2022 and the same was received by the informant personally on 11.10.2022, as would be evident from the Service report, it is further submitted that petitioner has been falsely implicated in the present case and even presuming what has been alleged is true without admitting for the purposes of anticipatory bail then allegation is of establishing physical relation on pretext of marriage. Learned counsel next submits that as per the allegation itself the informant alleges that they performed secret marriage but was ousted as the parents of the petitioner did not accept her, it is thus submitted that it is not a case of false promise but may be breach of promise as the



parents of the petitioner were not ready to give legitimacy to the relationship. Learned counsel next submits that since the informant herself had accepted the notice on 11.10.2022 but till date, she has not appeared in the case which also creates doubt with regard to the veracity of the allegation as alleged in the FIR, it is also submitted if what has been alleged in the FIR is true then definitely the informant would have appeared to contest the present anticipatory bail application filed on behalf of the petitioner, it is further submitted that from perusal of the FIR it would manifest that there was delay of nearly 45 days in instituting the case. Learned counsel at the cost of repetition submits that petitioner never married the informant and the relationship was consensual.

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

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six 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 trial court where the case



is pending/successor court in connection with Kankarbagh P.S.
Case No. 1104 of 2021 subject to the conditions as laid down
under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

GauravSinha/-

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