

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23976 of 2021**

Arising Out of PS. Case No.-293 Year-2019 Thana- PANDAUL District- Madhubani

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RAMESH RAI SON OF VISHNATH RAI RESIDENT OF VILLAGE- PAHI,
P.S.- PANDAUL, DISTRICT- MADHUBANI

... .. Petitioner/s

Versus

1. The State of Bihar
2. Gita Devi D/o Buchan Rai R/o Village- Lakhsaur, P.S.- Lakhsaur, Distt.-
Madhubani

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Girish Chandra Jha, Advocate

For the Opposite Party/s : Mr. Ajit Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 20-06-2022 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 341, 323, 147, 376, 380, 386, 498(A) and 120(B) of the Indian Penal Code read with Sections 3/4 of the Dowry Prohibition Act.

Learned counsel for the petitioner submits that vide order dated 13.01.2022 notices were issued on O.P. No.2 and despite valid service of notice, O.P. No. 2 till date has not appeared. It is further submitted that the petitioner is a person with clean antecedent and the informant/complainant alleges that she was married to the eldest brother of petitioner who



became traceless thereafter the petitioner took her in confidence on the assurance that he will marry her and thereafter established physical relation and when the informant/complainant asked him to marry her he started demanding dowry, it is further alleged that the petitioner on account of false assurance of marrying the informant/complainant committed rape.

Learned counsel for the petitioner submits that the informant/complainant is in habit of instituting false cases, it is further submitted that earlier the present informant/complainant had filed a complaint case against Sunil Rai (brother of her husband) and Rajni Devi (mother of her husband) wherein she had made allegations somewhat akin to what has been alleged in the present F.I.R./complaint. Learned counsel submits that the present informant/complainant realising that her case would not stand on scrutiny of the learned court below as such withdrew the same and thereafter filed another complaint from which the present F.I.R. arises by implicating the petitioner who is youngest brother of Sunil Rai. It is also submitted that even the mother-in-law was made an accused in both the complaint cases, it is thus submitted that it absolutely does not stand to reason that both the brother of her husband, who is said to be



traceless, would have committed the similar occurrence with the present informant/complainant.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that the mother of the petitioner has supported the prosecution case.

Learned counsel for the petitioner rebuts the submissions of the learned A.P.P. for the State and states that mother was an accused in the first complaint case as well as in the present F.I.R./complaint and it appears that either in order to save herself she is supporting the informant/complainant or the police in collusion with the informant/complainant has recorded her statement sitting in the police station. It is submitted that it absolutely does not stand to reason that why the mother would not defend her son and would side with her daughter-in-law.

Be that as it may, considering the submissions made by the learned counsel for the petitioner and the fact that earlier the informant/complainant had instituted a similar case against one of the brothers of her husband as aforesaid and the fact that despite valid service of notice she has not chosen to appear in the present case, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail



on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Pandaul P.S. Case No. 293 of 2019 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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