

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30956 of 2021

Arising Out of PS. Case No.-121 Year-2020 Thana- KOCHADHAMAN District- Kishanganj

RAKESH KUMAR SAH Son of Pakkhulal Sah Resident of Village -
Kochagarh, P.S.- Kochadhaman, District - Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Radha Mohan Singh, Advocate.

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

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 18-01-2022 Heard Mr. Radha Mohan Singh, learned counsel for
the petitioner and Mr. Awadhesh Kumar Singh, learned APP for
the State.

The petitioner seeks bail in anticipation of his arrest in
connection with Kochadhaman P.S. Case No. 121 of 2020
instituted for the offence under Sections 496/376/504 of the
Indian Penal Code.

The accusation in the F.I.R. is that after the
prosecutrix developed relationship with the petitioner, she
started living with him as his wife. However, that was done on
the assurance of marriage. Later, when the prosecutrix insisted
upon marriage, money was demanded from her. When that was
not accepted and the prosecutrix insisted for marriage, she was
misbehaved with.

The learned counsel for the petitioner has submitted



that from the narration in the F.I.R., it would become very clear that the relationship between the parties was absolutely voluntary. The accusation of the assurance of marriage is absolutely incorrect and has been incorporated in the F.I.R. only for the purposes of giving it a colour of a case under Section 376 of the IPC.

He has further submitted that the prosecutrix has been rather specific in her statement that she was living with the petitioner as his wife.

On these grounds, it has been urged that the petitioner may have been guilty of resiling from his promise of marriage, but the offence under Section 376 of the IPC cannot be said to have been made out against him. The accusation of demand of dowry, as has been urged on behalf of the petitioner, does not inspire confidence.

Be that as it may, regard being had to the nature of accusation against the petitioner, I am not inclined to grant anticipatory bail to him.

The prayer for anticipatory bail is rejected.

However, if the petitioner surrenders before the Court below and seeks bail, the afore-noted arguments shall be taken into account and the court below shall pass an order without



being prejudiced by the fact that the present anticipatory bail application on his behalf has not been entertained.

The application stands dismissed.

(Ashutosh Kumar, J)

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