

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 21886 of 2022

Arising Out of PS. Case No.-42 Year-2021 Thana- MAHILA PS District- Gaya

MD. RAKIM ALAM SON OF MD. ILYAS R/O VILLAGE- JAMUAWAN,
TOLA SIKANDARPUR, P.S.- WAZIRGANJ AND DISTRICT- GAYA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Manish Kumar No. 2, Advocate
For the Opposite Party/s :	Ms. Asha Devi, A.P.P.
:	Mr. Anil Kumar Roy, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 22-12-2022 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 376, 493, 509 and 34 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and from perusal of the allegation as alleged in the FIR it would manifest that informant herself alleges that she fell in love with the petitioner and thereafter on false promise of marriage petitioner established physical relation and subsequently refused to marry until and unless dowry of Rs. 2,00,000/- is not given, it is next



submitted that from further perusal of the FIR it would manifest that this petitioner was in the house of the informant on 17.02.2021 and the sister of the informant saw them in a compromising position and lock them from outside, but before her relatives would come, petitioner managed to escape, as such, it is submitted that it appears that since the sister of the informant saw the petitioner and the informant in a compromising position, as such, the present false case came to be instituted when the relationship was consensual. Learned counsel next submits that from perusal of the FIR it would also manifest that the date of occurrence is 17.02.2021 and the FIR came to be instituted on 9.10.2021, when on 25.02.2021 itself, the father of the petitioner had filed an informatory petition no. 600 of 2021 in the Court of learned Chief Judicial Magistrate bringing to his notice that the side of the informant is pressurizing for getting the petitioner married with the informant. Learned counsel next submits that no plausible explanation for delay in instituting the FIR has been given except the fact that panchayati was being done between the parties. Learned counsel further submits that petitioner will not evade the law rather will cooperate in the investigation and will present himself as and when required by the investigating



officer of the case so that the truth comes out, it is also submitted that purpose of arrest is not to punish but to ensure that investigation is not hampered.

Learned A.P.P. for the State and the learned counsel for the informant opposed the prayer for anticipatory bail of the petitioner but are not able to meet the submission of the learned counsel for the petitioner that there is an inordinate delay in instituting the FIR and that the petitioner was found in a compromising position with the informant which was witnessed by her sister and thus the present FIR came to be instituted.

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 Gaya Mahila P.S. Case No. 42 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Further, in the event, if the investigating officer of the case files an application before the learned trial Court bringing



to its notice that the petitioner despite giving assurance to this Court is not cooperating in the investigation or is not presenting himself when called the learned trial Court after giving an opportunity of hearing to the petitioner shall pass orders in accordance with law and shall also have liberty to cancel his bail bonds.

The learned trial Court is directed to send the copy of this Order to the concerned P.S.

(Satyavrat Verma, J)

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