

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39 of 2022

Arising Out of PS. Case No.-141 Year-2021 Thana- JANKINAGAR District- Purnia

Badal Kumar, Son Of Ashok Mahto, Resident Of Village- Madhuwan, Ward No.-6, Vishwakarma Chowk, P.S.- Janki Nagar, District- Purnea.

... .. Petitioner

Versus

1. The State of Bihar.
2. Rupa Kumari, D/O Late Bahadur Sharma, Resident at Ward No.-6, Madhuban, P.S. Jankinagar, District- Purnea.

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Praveen Kumar Agrawal, Advocate
For the Informant	:	Mr. Bijendra Kumar Singh, Advocate
For the State	:	Mrs. Usha Kumari I, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 16-05-2022 Heard learned counsels for the petitioner, informant and learned counsel for the State.

Learned counsel for the petitioner is directed to remove the defects, as pointed out by the office, within a period of four weeks.

The petitioner is apprehending his arrest in connection with Jankinagar P.S. Case No. 141 of 2021 for the offence registered under Sections 376 of the I.P.C., 4 of the POCSO Act and 3(i)(r)(s)(w), 3(2) (v) of the SC/ST Act.

The prosecution story, in brief, is that the petitioner established physical relationship with the victim on the pretext of marriage. Later on, the petitioner and his family members



said that if the demand of dowry i.e., Rs. 1,00,000/-, gold ring and Motorcycle will not be fulfilled, the petitioner will not marry with the victim.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. As per the F.I.R., physical relationship was established between the parties on the pretext of marriage. The said relationship was consensual physical relationship between the petitioner and the informant. For one reason or the other marriage could not be solemnized. The petitioner has further relied upon the judgment delivered by Hon'ble Supreme Court in case of (Dr. Dhruvaram Murlidhar Sonar-Versus- The State of Maharastra 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. The alleged occurrence has not taken place in public view. Hence, no offence under the provision of SC/ST Act is attracted in the present case.

On behalf of the State and the informant, 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 Special Judge (POCSO Act), Purnea, in connection with Jankinagar P.S. Case No. 141 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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