

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5516 of 2023**

Arising Out of PS. Case No.-1763 Year-2019 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

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SUMAN RAJAK @ SUMAN KUMAR RAJAK S/o Rupal Rajak @ Rupan Rajak Resident of Village Hujurnagar, Pirpanti, P.S.- Pirpanti, Distt- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Savita Kumari D/o Shiv Shankar Rajak R/o- Chakbhuska, P.S.- Kahalgaon, Distt- Bhagalpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pranav Kumar Jha, Adv.
For the Opposite Party/s : Mr.Abhay Kumar Roy, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 07-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in a case registered for the offence punishable u/s 323, 354B, 418, 498A and 504 of the IPC.

Allegation against the petitioner is that on the pretext of marriage, he established illicit physical relationship with the complainant forcibly, where after, she gave information of the incident to the parents of the petitioner. Thereafter, the ring ceremony was held and date of marriage was fixed but then, the parents of the petitioner demanded Rs.5 Lakhs as dowry and threatened to cancel the marriage if the demand was not



fulfilled.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. He has been falsely implicated in this case due to ulterior motive. No such occurrence, in the manner as alleged, has ever taken place. It is submitted that the cognizance has been taken against the petitioner u/s 323, 354B, 418, 498A and 504 of the IPC, out of which, cognizance has been wrongly taken u/s 498 of the IPC. This fact is also not denied by the complainant. It is further submitted that marriage was only settled between the parties but the present complaint case was filed by the complainant and cognizance has been wrongly taken u/s 498 A of the IPC. A petition for correcting the section 498 of the IPC was filed and the same petition is pending before the learned court below. It is further submitted that the cognizance has not been taken u/s 376 of the IPC. Petitioner has no criminal antecedent.

Learned APP for the State opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.



25,000/- (Rupees Twenty Five Thousand) 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 Complaint Case No.1763/2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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