

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14032 of 2023

Arising Out of PS. Case No.-59 Year-2022 Thana- BHAGWANGANJ District- Patna

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Ankit Kumar @ Sekhar S/O Shri Mahesh Prasad R/V- Miyanbigaha, P.O.-
Kachhwara, P.S.- Nardiganj, District- Nawada

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Krishna Pd. Singh, Sr. Adv.
		Mr. Rakesh Singh, Adv.
For the Opposite Party/s :		Mr.Nand Kishore Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 29-04-2023 Heard learned senior counsel for the petitioner and

learned Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in a case registered for the offence punishable under Sections 376, 420, 354 of the Indian Penal Code.

Petitioner is said to have established physical relationship with the informant on the pretext of marriage.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He submits that prior to the lodging of this case, present informant lodged Complaint Case No. 187 of 2022 before the ACJM, Masaurhi under Section 498A, 448, 323 and 34 of the Indian Penal Code and Section 3/4 of the D.P. Act in which she has stated that she used to study in Shri Ram Commerce



Coaching Centre in the year 2019 where the petitioner married her at Hanuman Mandir, Patna and after getting into service, petitioner demanded 5 lakhs as dowry. He submits that the informant has not stated in the FIR that she had earlier filed a complaint case against the petitioner for the same cause of occurrence. Learned senior counsel for the petitioner in buttress of his submission relies upon a order passed in the case of **Ansaar Mohammad Vs. The State of Rajasthan & Anr. (Criminal Appeal No. 962 of 2022 @ SLP (CRL) No. 5326 of 2022)** in which the Hon'ble Court has been pleased to held that if the relationship is not working out, the same cannot be a ground for lodging an FIR for the offence under Section 376 IPC. He further submits that petitioner has no criminal antecedent as stated in para-3 of this application.

Learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances of the case, let the above named petitioner in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail 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 Bhagwanganj P.S. Case No. 59 of 2022,
subject to the condition as laid down under Section 438 (2) of
the Cr.P.C.

(Anjani Kumar Sharan, J)

devendra/-

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