

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38849 of 2022

Arising Out of PS. Case No.-144 Year-2021 Thana- MAHILA P.S. District- Patna

Rahul Kumar S/O Deonath Sharma Resident Of Infront Of Esi Hospital
Phulwarisharif, P.S.- Phulwarisharif, District- Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Bijay Kumar Pathak, Advocate
For the Opposite Party/s :	Mr. Kumar Ranjit Ranjan, APP
	Mr. Rakesh Dubey, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 4 04-08-2023 1. Heard learned counsel for the petitioner, learned counsel for the informant and learned A.P.P. for the State.
2. The petitioner apprehends his arrest in connection with Mahila P.S. Case No. 144 of 2021 registered for the offences punishable under Sections 3/4 of the Dowry Prohibition Act.
3. Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and the informant alleges that she was in love with petitioner since 2018 and the marriage was fixed and even demand of Rs. 10,00,000/- was fulfilled but the petitioner resiled from marriage as he was demanding Rs. 5,00,000/- more.
4. Learned counsel for the petitioner submits that the



petitioner has been falsely implicated in the present case, it is next submitted that it is not in dispute that the petitioner and the informant were in love with each other but then the family members of the petitioner, including the parents, were not ready for love marriage as such the marriage could not be solemnised. Learned counsel further submits that the marriages are destined in heaven and are performed on earth and it appears that the petitioner and the informant were not destined to come together, it is next submitted that allegation of demanding dowry is exaggerated as the informant herself in the first part of the allegation has alleged that both were in love with each other, it is further submitted that from perusal of the allegations it would manifest that the allegation does not even remotely suggest that any physical relation was entered in between the petitioner and the informant but during the course of investigation it appears that the allegation of rape has surfaced alleging that petitioner forcefully established physical relation with the informant. The learned counsel next submits that it absolutely does not stand to reason that if what has surfaced during the course of investigation, why the same was not alleged when the FIR was being instituted, this amply demonstrates that the informant at any cost wants to spoil the entire career of the petitioner.



5. Learned A.P.P. for the State and the learned counsel for the informant oppose the prayer for anticipatory bail of the petitioner but are not able to rebut the submission of the learned counsel for the petitioner that the FIR does not even remotely suggest anything about the allegation of rape.

6. 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 Court below 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 court below where the case is pending/successor court in connection with Mahila P.S. Case No. 144 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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