

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46973 of 2023

Arising Out of PS. Case No.-13 Year-2023 Thana- MAHILA P.S. District- Siwan

MUNNA YADAV @ MUNNA KUMAR YADAV Son of Jitendra Yadav
Resident of village - Parsaha, P.S. - Andar, Distt. - Siwan

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Dewendra Narayan Singh, Advocate
For the Informant	:	Mr. Ajay Kumar Pandey, Advocate
		Ms. Shyama Rani, Advocate
For the State	:	Mr. Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

2 01-09-2023 1. Heard learned counsel for the petitioner, learned
APP for the State and learned counsel for the informant.

2. The petitioner in this application prays for bail apprehending his arrest in connection with Siwan Mahila P.S. Case no.13 of 2023 registered for the offence punishable under sections 376 and 406 of the Indian Penal Code and sections 3 and 4 of the Dowry Prohibition Act.

3. As per the prosecution case, the informant states that the petitioner established physical relations with her against her wishes. The narration of establishing physical relation with the informant has been described in detail in the F.I.R. with respect to occurrence which took place starting from 25.8.2021 and which led to filing of the F.I.R. on 22.3.2023. It has also been alleged that ultimately the accused persons including the petitioner herein started demanding Rs.7 lacs in cash and a



vehicle by way of dowry for the purpose of marriage.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. The petitioner happens to be employed in the Border Security Force. No such occurrence as alleged in the F.I.R. has taken place. There is no explanation whatsoever for the delay in lodging of the F.I.R. While the occurrence is alleged to have taken place starting on 25.8.2021, the F.I.R. was registered only on 22.3.2023. The reason of false implication is that they wanted to pressurize the petitioner into a forced marriage. Although the informant was medically examined however no sign of rape as alleged in the F.I.R. has been discovered.

5. The application for bail is opposed by learned A.P.P. for the State and learned counsel for the informant.

6. Having heard learned counsel for the parties and taking into consideration the allegation of rape against the petitioner in the F.I.R., the Court is not inclined to enlarge the petitioner on anticipatory bail and the application is rejected.

7. The petitioner is directed to surrender in the Court below within a period of four weeks.

(Partha Sarthy, J)

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