

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51162 of 2023

Arising Out of PS. Case No.-56 Year-2023 Thana- MAHILA P.S. District- Patna

PURUSHOTTAM KUMAR @ SUNNY Son of Late Shrawan Mahto
Resident of village - Lataraha, P.O. - Dogara, P.S. - Jale, Distt. - Darbhanga
... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bishwa Nath Chaudhary, Advocate
For the Opposite Party/s : Mr. Satya Nand Shukla, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 18-08-2023 1. Heard learned Senior Counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 376, 504 and
506 of the Indian Penal Code as well as Sections 3 and 4 of the
Dowry Prohibition Act.

3. Learned Senior Counsel for the petitioner submits
that petitioner is a person with clean antecedent.

4. The informant alleges that she is staying in Gandhi
Nagar and is preparing for competitive examination and she came
in contact with the petitioner who was also staying at Punaichak
on rent. She further alleges that thereafter they started talking on
phone and on 30.10.2017 the petitioner called her at his residence
and established physical relation on pretext of marriage. She next
alleges that thereafter they continued the relationship till 2022 and



whenever she asked the petitioner to marry her, the petitioner used to avoid saying that he will marry after he gets a job. She also alleges that she was also working but had to leave the job as the petitioner used to tell her that if she wants to marry him then she will have to lead a life like a wife. She further alleges that petitioner got a job in 2021 but thereafter started making excuses of delaying the marriage on the pretext of having a house. She next alleges that when her parents went to talk about marriage then the petitioner's family members demanded dowry of Rs.30 lakhs. She also alleges that petitioner threatened that if she will force him to marry he will post her nude pictures on the social media. She further alleges that the informant came to know that the petitioner's marriage has been fixed on 12th June.

5. Learned Senior Counsel for the petitioner submits that petitioner has been falsely implicated in the present case and from bare perusal of the allegation as alleged in the FIR, it would manifest that two consenting adults came together entered into a relationship even physical and when the relationship soured the present false case came to be instituted. It is further submitted that it absolutely does not stand to reason that the informant was in continuous relationship with the petitioner from 2017 till 2022 but still she was unable to decipher that petitioner is not going to marry her. It is next submitted that this amply demonstrates that



the relationship right from the beginning was clear that though they were in relationship but there was no promise of marriage. It is also submitted that petitioner got a job in LIC as Development Officer in the year 2021 and from 2021 till 2022 it is alleged that the relationship continued but still the informant could not fathom that petitioner is deceiving her. This further demonstrates that there was no promise of any marriage. It is further submitted that it was only when the petitioner got a job, the present false case came to be instituted alleging that he established physical relation initially on pretext of marriage. It is next submitted that it absolutely does not stand to reason that merely on promise of marriage whether one can indulge in such relationship. It is also submitted that petitioner has his story that the relationship right from the beginning was clear that there was no promise of marriage but then it is the case of the informant that on pretext of marriage the physical relationship was established. It is thus submitted that whether at the time of consideration of anticipatory bail the allegation of the informant be considered sacrosanct and the defence of the petitioner not. It is further submitted that the informant even refused for her medical checkup and thus was not medically examined which further leads to an inference that as to whether any physical relationship was established or not. Learned Senior Counsel for the petitioner, at the cost of repetition, submits



that whenever two consenting adults come together on their own volition and entered into relationship and when the relationship soured a case of rape is instituted.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

7. Considering the submissions made by the learned Senior 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 Patna Mahila P.S. Case No. 56 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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