

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60644 of 2023

Arising Out of PS. Case No.-190 Year-2022 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

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Ritik Kumar Choudhary @ Ritik Kumar @ Ritik S/o- Jay Narayan
Choudhary village- Dumari PS- Rahika Dist- Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nibha Kumari D/o- Dhanik Lal Choudhary Village- Shahpur PS- Pandaul
Dist- Madhubani

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Subhash Kumar Jha, Adv.

For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

3 06-12-2023 Heard Mr. Subhash Kumar Jha, learned counsel for
the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest in connection
with Complaint/C.R. Case No. 190 of 2022 corresponding to
T.R. No. 1671 of 2023 registered for the offences punishable
under Sections 376, 323, 504 and 506/34 of the Indian Penal
Code and Section 3/4 of the Dowry Prohibition Act.

3. The allegation against the petitioner is of eve
teasing the complainant and on the alleged date of occurrence
while the complainant was going to attend the call of nature, in
the meantime, the petitioner forcibly took her away to his house
and committed rape upon her. It is further alleged that when the



family members of the complainant tried to convince the petitioner for marriage, the petitioner and his family members demanded Rs.5,00,000/- and when the complainant and her family members shown their inability, the petitioner refused to solemnize marriage.

4. Learned counsel for the petitioner submits that even as per the complaint, the occurrence of alleged rape took place on 12.02.2022 but, surprisingly, the complaint has been filed on 11.03.2022. Furthermore, from the complaint, it is also evident that the family members of the complainant were insisting for solemnization of marriage and when the petitioner and his family members refused to solemnize marriage, the present complaint has been filed. He further drew the attention of this Court to the deposition of the mother of the complainant and with reference thereto, he submits that the mother herself stated that the victim voluntarily went along with the petitioner and established physical relationship as she likes the petitioner. However, despite undertaking given by the petitioner to solemnize marriage, he refused. He lastly submits that since it was a complaint case, thus there could not be any medical examination of the complainant. That apart she is a major and *prima facie* it appears to be a consensual relationship.



5. On the other hand, learned counsel for the State opposes the bail application and submits that the complainant has supported her version in solemn affirmation, wherein she specifically stated that this petitioner has committed rape upon her.

6. Regard being had to the submissions made on behalf of the parties and taking note of the delay in filing of the complaint and the deposition of the mother of the complainant, apart from the fair antecedent of the petitioner, 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 four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Madhubani in connection with Complaint/C.R. Case No. 190 of 2022 corresponding to T.R. No. 1671 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C, with further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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