

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71265 of 2022

Arising Out of PS. Case No.-132 Year-2021 Thana- MAHILA P.S. District- Araria

MD. NASRUL @ NASRUL S/o Late Md. Yunus @ Yunus R/v- Jhirwa
Prwari, Ward No.- 10, P.S.- Simraha, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ramesh Kumar Singh

For the Opposite Party/s : Mr.Nand Kishore Prasad

Mr.Anil Prasad Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 05-07-2023

Heard learned counsel for the parties.

The petitioner apprehends his arrest in a case registered for the offence under Sections 376, 341 323/34 of the Indian Penal Code and Section 4 of Dowry Prohibition Act.

It is alleged that on the pretext of marriage, this petitioner established physical relation with the informant and after two months, refused to marry.

It is submitted on behalf of petitioner that the informant was married with elder brother of petitioner, but after unfortunate death of her husband, she under a conspiracy developed this false and concocted story only with a view to grab the property. Informant is major and mother of a child. Moreover, she has not stated as to how many days this extra marital affair was continued with this petitioner. Petitioner claims clean antecedent.



However, learned counsel for the informant vehemently opposes the prayer for bail and submits that there is specific and direct allegation against this petitioner that on the assurance of marriage, he established physical relation with informant and thereafter, after lapse of two months, petitioner refused to marry. The aforesaid fact has been supported by the victim in her statement recorded under Section 164 Cr.P.C.

Considering the aforesaid facts and circumstances, the prayer for anticipatory bail of petitioner is rejected.

(Prabhat Kumar Singh, J)

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