

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7952 of 2024

Arising Out of PS. Case No.-114 Year-2022 Thana- BAUNSI District- Araria

1. Md. Mukhtar @ Md. Mukhtar Alam S/o Late Md. Isahak R/o Vill - Durgapur, P.S. - Bousi, District - Araria
2. Masomat Bechani Devi W/o Late Md. Isahak R/o Vill - Durgapur, P.S. - Bousi, District - Araria
3. Md. Akhtar S/o late Md. Isahak R/o Vill - Durgapur, P.S. - Bousi, District - Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana, Adv.

For the Opposite Party/s : Mr. Kumar Veerendra Narayan, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 22-02-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. In the present case, the petitioners are apprehending their arrest in connection with Bousi PS Case No. 114/2022 registered on 17.11.2022 for the offences under Sections 493, 420, 406 of the IPC and Sections 3/4 of the Dowry Prohibition Act.

3. As per prosecution case, petitioner no. 1 established sexual relationship with the complainant giving her inducement of marriage. Petitioners no. 2 and 3 demanded Rs. 1 Lac for solemnization of the marriage and ultimately, they refused to marry petitioner no.1 with the complainant.



4. Learned counsel for the petitioners submits that the petitioners have falsely been implicated in this case and the complaint has been lodged after delay of more than two months. The informant is a major girl and wanted to marry with petitioner no.1. As the parents of petitioner no.1 did not agree for the said marriage, this false case has been lodged against the petitioners who are all members of the same family. Moreover, the allegation against petitioner no.1 of indulging in sexual intercourse with the complainant, in the facts and circumstances, is not believable and if such occurrence took place, it was with consent of the complainant. Further the allegation against the petitioners no. 2 and 3 for demand of dowry is completely false and concocted. The petitioners have got no criminal history.

5. Learned APP opposes the submissions made on behalf of the petitioners.

6. Having regard to the facts and circumstances and the submissions made on behalf of the parties and considering the consensual nature of relationship of the informant with the petitioner no. 1 and further considering the possibility of false implication, let the petitioners, named above, in the event of arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail on furnishing bail



bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate 1st Class, Araria in connection with Bousi PS Case No. 114/2022, subject to the condition as laid down under Section 438(2) of the CrPC.

(Arun Kumar Jha, J)

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