

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13044 of 2024

Arising Out of PS. Case No.-255 Year-2023 Thana- SARAI RANJAN District- Samastipur

Raushan Ray @ Roshan Rai S/o Ram Laulin Ray R/o vill - Narghoghi, P.S. -
Sarai Ranjan, Distt. - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Murari Narain Chaudhary, Adv.
For the APP	:	Mr.Anil Kumar Singh No. 1, APP
For the Informant	:	Mr.Rajeev Ranjan, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 25-09-2024 Heard learned counsel for the petitioner, learned counsel
for the informant and learned APP for the State.

2. The petitioner apprehends his arrest in a case registered
for the offence punishable u/s 376 of the IPC and sections 3/ 4
of the Dowry Prohibition Act.

3. As per the prosecution case, in course of classes, the
victim developed intimacy and physical relation with the
petitioner, on the assurance of the petitioner to marry her. It is
alleged that, a custom related to marriage was completed on
05.03.2023 and the date of marriage was fixed for 22.05.2023
but in the mean time, brother of the petitioner called the victim's
father and asked for Rs.5 Lacs and a Bullet bike and thereafter
refused to marriage, on non-fulfillment of dowry demand.



4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. He has been falsely implicated in this case due to grudge. No such occurrence, in the manner as alleged, has ever taken place. In fact, the informant is a well educated and adult and the petitioner was known to her in course of going to college and she is willingly trying to marry the petitioner, for which the informant's parents approached the petitioner's side and both sides agreed. An engagement ceremony was also organised but later on, it came to the knowledge of the petitioner's side that the informant was not a girl of good character and was having affairs with another boy, even her objectionable photographs were also made available to them, therefore, the petitioner's side cancelled the marriage. The photographs are enclosed at Annexure-P/2 series to the supplementary affidavit. It is submitted that no dowry has been demanded and only to pressurise the petitioner to marry the informant, this false case has been lodged. Petitioner has no criminal antecedent.

5. Learned APP for the State as well as learned counsel for the informant opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case, since the victim is a major and in view of the Apex Court order



passed in *Ansaar Mohammad v/s. The State of Rajasthan & Anr. (Criminal Appeal no.962 of 2022)*, I am inclined to enlarge the petitioner on anticipatory bail, accordingly, 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 six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five 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 Sarai Ranjan P.S. Case No.255 of 2023/ G.R. No.3072 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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