

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15413 of 2024

Arising Out of PS. Case No.-299 Year-2023 Thana- SURSAND District- Sitamarhi

Rituraj Kumar @ Adarsh @ Rituraj Kumar Jha Son of Late Ashok Kumar Jha
R/o Village- Devnapatti, P.S.- Sursand, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Subodh Kumar, Adv.

For the Opposite Party/s : Ms.Sharda Kumari, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 18-04-2024 Heard learned 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, 366, 323, 341, 506, 34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

3. Allegedly, the petitioner is said to have established physical relations with the informant on pretext of marriage and later on, when the informant asked him why he is not ready to solemnize the marriage, the petitioner replied that she cannot be daughter-in-law of his family and demanded Rs. 10 lacs from her as dowry.

4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and he has committed no



offence. No such occurrence as alleged ever took place. He has been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioner is totally false and based on concocted facts. From bare perusal of the FIR, it appears that there was consensual relation between both the parties and when certain altercation took place and the petitioner refused to solemnize marriage with the informant, she filed the present case against him. It is further submitted that the victim is a major and no force was used against her to establish physical relation. Hence, no offence under Section 376 of the Indian Penal Code is made out against the petitioner. She herself went with the petitioner on a motorcycle from Sitamarhi to Janakpur and stayed at a hotel. The petitioner has relied upon the judgment of this Court in the case of ***Ansaar Mohammad v/s. The State of Rajasthan & Anr.*** (Criminal Appeal No. 962 of 2022). Petitioner has one criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposes the prayer for bail.

6. Having regard to the facts and circumstances of the case, as both the parties are major and there was consensual relation established between the parties, 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 Sursand P.S. Case No. 299 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

divyanshi/-

U		T	
---	--	---	--

