

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24081 of 2024

Arising Out of PS. Case No.-273 Year-2023 Thana- KUDHNI District- Muzaffarpur

Md. Ibran S/o Md. Manjar Village Bangra Banshidhar P.S. Kurhani District
Muzaffarpur, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Preety Kunwar, Advocate

For the Opposite Party/s : Mr. Anish Chandra, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 24-04-2024 Heard Ms. Preety Kunwar, learned counsel for the

petitioner and the State.

2. The petitioner is apprehending his arrest in connection with Kurhani P.S. Case No. 273 of 2023 for the offence under Sections 354(A), 376, 504, 506, 420 and 34 of the I.P.C. and Section 4 of the Dowry Prohibition Act, lodged on 07.06.2023 by the informant, Hina Khatoon.

3. As per the prosecution story, the petitioner had developed physical relationship with the informant and when the family members came to know about it, they wanted marriage. As the petitioner's parents refused and demanded dowry, the FIR.

4. Learned counsel for the petitioner submits that a bare perusal of the FIR would show that it was a consensual relationship between the informant and the petitioner and even going by the FIR, only because the parents refused marriage, the petitioner has been dragged in the case, he do not have any



criminal antecedent and was serving in a tyre shop at Mumbai but now is moving from pillar to post to save himself. The further submission is that the informant is a major as in statement under Section 161 Cr.P.C., she gave her age to be nineteen years old.

5. Learned APP opposes the prayer stating that the case is under Sections 376 amongst other of the IPC.

6. Though, the case is under Sections 376 amongst other of the IPC, a perusal of the FIR would show that the informant herself states that she was in relationship with the petitioner and the parents refused the solemnization of the marriage due to dowry, the FIR. The same has been lodged, he will be facing the trial and do not have criminal antecedent, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

7. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned S.D.J.M, West Muzaffarpur in connection with Kurhani P.S. Case No. 273 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the



petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

8. With the aforesaid observations, the anticipatory bail application is allowed.

(Rajiv Roy, J)

Adnan/-

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