

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33018 of 2024

Arising Out of PS. Case No.-158 Year-2016 Thana- KARAHGAR District- Rohtas

Krishna Kumar Pal Son Of Ram Dyal Pal Resident Of Village - Tekari, P.S. - Kargahar (BARAHARI), District - Rohtas At Sasaram

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Priya Kumari Daughter Of Keshwar Pal Resident Of Village - Akorhi, P.S. - Kargahar, District - Rohtas At Sasaram

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jai Prakash Singh, Adv.

For the Opposite Party/s : Mr. Shyam Bihari Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 31-07-2024 Heard learned counsel for the petitioner and learned A.P.P. for the State.

02. In the present case, the petitioner is apprehending his arrest in connection with Kargahar P.S. Case No. 158 of 2016 registered for the alleged offences under Section 376 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

03. As per prosecution case, giving allurement of marriage, the petitioner entered into sexual relationship with the complainant informant. When he did not solemnize marriage with the informant, the present case came to be lodged.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Learned counsel further submits that there was earlier love affair

between the petitioner and the informant but there is no material on record to show they established sexual relationship. There is no question of any sexual relationship between the parties. The matter has also been compromised and a compromise petition duly signed by the parties has been filed before the learned trial court. A subsequent development has also taken place and both the parties have solemnized their marriages though not with each other. Both the parties are enjoying their conjugal life and they have children out of their wedlock. Learned counsel further submits that the petitioner is having clean antecedent.

05. Learned A.P.P. for the State opposes the submission made on behalf of the learned counsel for the petitioner. Learned A.P.P. submits that the matter is not compoundable and the compromise petition is immaterial in the circumstances and nature of allegation.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the subsequent development and further considering the lack of substantive material and also considering the possibility of false accusation, let the petitioner above named, in the event of his 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/- (Rupees Ten Thousand Only) each with two

sureties of the like amount each to the satisfaction of Court of learned A.C.J.M.-IV-cum-Sub Judge-XII, Rohtas, Sasaram in connection with Kargahar P.S. Case No. 158 of 2016, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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