

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35513 of 2024**

Arising Out of PS. Case No.-3 Year-2023 Thana- MAHILA P.S. District- Samastipur

Md. Salman @ Salman Son of Md Khurshid R/O Village - Madapur Chhapra,
P.S.- Pusa, District - Samastipur, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chaitanya Krishna, Advocate

For the Opposite Party/s : Mr.Mithlesh Kumar Khare, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

3 29-07-2024 Heard learned counsel for the petitioner as well as
learned APP for the State.

2. The petitioner seeks bail in anticipation of his arrest in a case registered for the offences punishable under Sections 376, 341, 323, 504 and 506 of the IPC in connection with Samastipur (Mahila) P.S. Case No.03 of 2023.

3. The learned counsel for the petitioner submits that petitioner is a person with clean antecedent and the informant alleges that she was staying in the house of Gopaljee on rent at Muzaffarpur, for purposes of studying and at Muzaffarpur she came in contact with the petitioner while purchasing slippers and thereafter they started meeting continuously and the



petitioner use to come to her rented premises where they established physical relation, even informant used to visit him at his house where they established physical relations, further on 15.09.2022 the informant disclosed about her pregnancy, which petitioner got aborted, further alleges that she always requested him to marry, but petitioner always avoided, further on 13.09.2022 she came to know that petitioner's marriage has been fixed thus she approached him on which he demanded rupees five lakhs by way of dowry and a four wheeler, further when she met his family members she was abused and ousted.

4. The learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case and the relationship was purely consensual and from bare perusal of the allegation as alleged in the FIR, it would manifest that the same does not even remotely suggest that the relationship started on pretext of marriage, it is next submitted that the informant alleges that she met the petitioner while by purchasing slippers and thereafter they came in contact and started meeting and even established physical relation, but then the FIR does not even remotely suggest that petitioner at any point of time even suggested that he intends to marry her, it is also submitted that the relationship was in between two consenting adults and when



the marriage of the petitioner was fixed the instant FIR came to be instituted. It is also submitted that the informant alleges after she got pregnant then she started requesting the petitioner to marry, which amply demonstrates that petitioner never gave any assurance of marriage when the relationship started, rather the relationship was purely consensual.

5. The learned APP opposes the anticipatory bail application.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Ms. Pragya Mishra, JMFC-cum-Additional Munsif, Samastipur. in connection with Samastipur (Mahila) P.S. Case No.03 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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