

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36092 of 2024

Arising Out of PS. Case No.-195 Year-2023 Thana- GAUNAHA District- West Champaran

Manglam Rai Son of Late Arjun Rai Resident of Village- Kohargaddi, P.S-
Gaunaha, Dist- West Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s :	Mr.Brij Kishor Mishra, Advocate
For the Opposite Party/s :	Mr.Umeshanand Pandit, APP
	Ms/Mrs. Prerna Anand, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 24-09-2024 Heard learned counsel for the petitioner, the State and
the opposite party no.2.

2. The petitioner apprehends arrest in a case registered for the offence punishable under sections 341, 323,376, 420, 504, 506/34 of the Indian Penal Code and Sections 3 & 4 of the Dowry Prohibition Act.

3. As per the prosecution case, petitioner established physical relation with the informant on the pretext of marriage but later on denied to perform marriage.

4. Learned counsel for the petitioner submits that as a matter of fact informant is younger sister of bhabhi of the petitioner and her parents wanted to marry the informant with the petitioner but mother of the petitioner as well as the elder sister of the informant could not agree for marriage due to



which informant became annoyed and lodged this case. It is apparent that both parties are major and lived together as husband and wife and established physical relation for sometime. Both of them engaged in sexual activity for quite some time which cannot be said to be induced and involuntary. As such, allegation of inducement and commission of rape is not made out against the petitioner. Petitioner has got no criminal antecedent.

5. Learned counsel for the State as well as the informant oppose the prayer for bail.

6. Considering the aforesaid facts of the case, prayer for bail of the petitioner is allowed. In the event of arrest/surrender within six weeks from today, let the petitioner, mentioned above, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate 1st class, Bettiah, West Champaran in Gaunaha Police Station Case No. 195 of 2023, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure.

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(Prabhat Kumar Singh, J)

