

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38396 of 2024

Arising Out of PS. Case No.-244 Year-2023 Thana- BHABHU(KAIMUR) COMPLAIN C
District- Kaimur (Bhabua)

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Dilla Roy @ Dilla Ray S/o- Vakil Rai @ Md. Vakil Ray Village- Khurmabad
Ps- Chenari Dist- Rohtas

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rajani Khatun D/o- Kalim Ray Village- Datiaon Ps- Kudasan Ps- Bhabua
Dist- Kaimur

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Kumar Sunil, Advocate
For the State	:	Mr. Ajit Kumar, APP
For Opposite Party No.2	:	N o n e

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 22-08-2024 Heard learned counsels for the parties.

2. Despite valid service of notice, nobody appears on
behalf of the Opposite Party No. 2.

3. The petitioner apprehends his arrest in a complaint
case registered for the offence punishable under Sections 323,
379, 504 and 34 of the Indian Penal Code and Section 4 of the
Dowry Prohibition Act.

4. As per prosecution case, this petitioner, on the
pretext of marriage, established physical relations with the
complainant and thereafter, demanded Rs. 2,00,000/- cash and a
Hero Honda motorcycle for solemnizing marriage and when the
complainant expressed her inability, this petitioner refused to



marry her. It is also alleged that all the accused persons, including this petitioner, assaulted complainant and also snatched her gold chain.

5. It is submitted by learned counsel appearing on behalf of the petitioner that as a matter of fact, the complainant was married with elder brother of this petitioner, namely Aslam Ray, on 04.06.2016. However, on 04.10.2021, her husband died due to snake bite. Thereafter, this petitioner, being dewar of the complainant, has been dragged in the present case with ulterior motive and to force this petitioner to marry with the complainant. It is further submitted that in order to put pressure, false allegation of physical relation has been alleged. Prior to lodging of the present case, the complainant lodged one Complaint Case No. 1185 of 2022 dated 21.09.2022 against this petitioner and others in which cognizance was taken under Section 4 of the Dowry Prohibition Act only against co-accused Vakil Rai on 16.02.2023, which is pending before the learned Sub Divisional Judicial Magistrate, Kaimur (Bhabua). In that complaint case, which was lodged much prior to the present case, the complainant has not alleged any physical relation with this petitioner, which itself falsifies the entire allegations leveled against this petitioner. Petitioner claims clean antecedents.



6. Learned A.P.P. for the State has opposed the prayer for grant of anticipatory bail to the petitioner.

7. Considering the aforesaid facts and circumstances, the prayer for grant of anticipatory bail to the petitioner is allowed.

8. Accordingly, in the event of arrest/surrender within a period of six weeks from today, let the above named petitioner 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 learned Sub Divisional Judicial Magistrate, Kaimur (Bhabua) in connection with Complaint Case No. 244 of 2023, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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