

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41104 of 2024

Arising Out of PS. Case No.-3 Year-2024 Thana- MAHILA P.S. District- Bhagalpur

Vikram Kumar Son of Saudagar Prasad Singh Resident of Vill- Daradhi
Bahadurpur, P.S- Kajraili, District- Bhagalpur, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N. K. Agrawal, Sr. Advocate Mr. Indeshwari Mandal, Advocate Mr. Kumar Rajdeep, Advocate
For the Opposite Party/s :		Mrs. Anita Kumari, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 12-06-2024 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection with Bhagalpur Mahila P.S. Case No. 03 of 2024 registered for the offences punishable under Sections 376, 420, 504, 506/34 of the Indian Penal Code and Section 3/4 of Dowry Prohibition Act.

3. The accused/petitioner named in the FIR and is in custody since 27.03.2024.

4. Allegation against the petitioner is to commit rape upon the informant, who is aged about 25 years, on the false pretext of marriage. It is further alleged that the parents of the petitioner were also refused to solemnize



marriage even after accepting the dowry of Rs.5,00,000/-.

5. It is submitted by Mr. N. K. Agrawal learned senior counsel for the petitioner that petitioner has falsely been implicated with present case. It is submitted that due to certain social reasons the marriage of the petitioner could not solemnize with the informant and for said reason only, the present false implication was raised, which is apparent from the face of FIR, itself. It is submitted that the F.I.R. is no where suggesting that there was any cheating on the part of petitioner, rather as per narration of FIR, it was the petitioner himself who suggest the informant to approach his parents for marriage. It is submitted that the allegation regarding denial from marriage is specific against the parents of the petitioner. It is pointed out by Mr. Agrawal, that the allegation as regard to accepting dowry is also specific against the parents of the petitioner and not against this petitioner.

6. It is further submitted by learned senior counsel that any corporeal relation on false pretext of marriage cannot be categorized as rape and in support of



submission he relied upon the legal report of **Pramod Surya Bhan Pawar Vs. State of Maharashtra**, reported in **(2019) 9 SCC 608** and also **Ansar Mohammad vs. State of Rajasthan and others** reported in **(2020) SCC Online 886**. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted and, as such now there is no chance of tampering with the evidence.

7. Learned APP for State duly assisted by Mr. Praveen Kumar Agrawal, learned counsel for the informant opposes the prayer for grant of bail to the petitioner and submitted that allegation as regard to rape is specific against this petitioner as per the narration of the FIR. It is submitted that the petitioner executed a bond before the police to solemnize marriage with the informant.

8. In view of aforesaid factual submissions as allegation of rape appears to be raised in the background of failed negotiation of marriage, where the allegation of cheating is not *prima faice* available against this petitioner,



coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 27.03.2024, accordingly, the petitioner, above-named, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Bhagalpur in connection with Bhagalpur P.S. Case No. 03 of 2024 subject to the conditions as laid down under Section 437(3) of the CrPC.

(Chandra Shekhar Jha, J)

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