

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43264 of 2024

Arising Out of PS. Case No.-28 Year-2023 Thana- MAHILA P.S. District- Samastipur

Raju Kumar S/o Bhola Sah R/o Village-Motipur, ward No.-25, P.S.-Tajpur,
District-Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Adv.

For the Opposite Party/s : Mr. Vinod Shanker Modi, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 02-08-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in Mahila P.S. Case No. 28 of
2023 registered for the offence punishable under Sections 376,
341, 323, 504, 506 of the IPC.

3. The allegation against the petitioner is that on the
pretext of marriage, he established physical relation with the
informant forcibly since 2-3 years and later on denied for
marriage due to dowry demand.

4. It is submitted by learned counsel for the petitioner
that the petitioner is quite innocent and has committed no
offence. No such occurrence as alleged has ever taken place.
He has been falsely implicated in this case due to ulterior
motive. The allegation levelled against the petitioner is totally
false and based on concocted facts. The real fact is that both the



parties were involved in a love affair and they voluntarily, on the belief that they would get married someday, entered into physical relationship, but due to some differences between their families, the petitioner could not solemnize marriage to the informant and therefore, being infuriated with the same, she lodged the present case against the petitioner. It is further submitted that the informant is major one and she is consenting party, which is also evident from perusal of the FIR itself. He further submits that petitioner has no criminal antecedent and he is in custody since 14.03.2024.

5. Learned APP for the State opposes the prayer for bail.

6. Considering the facts and circumstances of the case, as there is direct and specific allegation against the petitioner to establish physical relation with the informant since 2-3 years on false pretext of marriage, I am not inclined to enlarge the petitioner on bail. The prayer for bail of the petitioner is hereby rejected.

7. However, the petitioner shall be at liberty to renew his prayer for bail after framing of charge.

(Anjani Kumar Sharan, J)

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