

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47716 of 2024

Arising Out of PS. Case No.-68 Year-2022 Thana- MAHILA PS District- Jamui

Suraj Kumar Son of Bhaso Saw @ Ajay Kumar Saw Resident of Vill-
Nimarang, Ward No.29, P.S. and District- Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prabhat Ranjan Singh, Adv.

For the Opposite Party/s : Mr. Rabindra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 25-09-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner is apprehending his arrest in connection with Jamui Mahila P.S. Case No. 68 of 2022 registered for the alleged offences under Section 313, 323, 504 and 376 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

03. As per prosecution case, the petitioner giving inducement of marriage committed rape with the informant from 01.01.2016 till 25.04.2018. The informant became pregnant twice and her pregnancy was aborted. The petitioner denied on 29.04.2018 to marry the informant and when the informant with her family members went to the house of the petitioner, demand of Rs. 6 lakh was made by co-accused persons.



04. Learned counsel for the petitioner submits that the present case is completely false and concocted. The whole prosecution story appears to be absurd and is not believable. It is also not believable that a lady would continue to remain in physical relationship with a person for such long on false assurance of marriage. The informant was earlier married with one Murari Saw in the year 2017. Concealing this fact, the informant and her parents tried to solemnize her second marriage with the petitioner. Coming to know about this fact, the family of the petitioner refused the proposal of the informant side. Since the petitioner and informant side are co-villagers they approached the family of the informant then the fact was disclosed that they have already filed Complaint Case No. 696C of 2018 before the C.J.M., Jamui concealing the fact of subsistence of first marriage. Subsequently, informant filed petition for withdrawal of her case and also executed an agreement before the Notary Public, Jamui wherein she averred that she lodged the case due to confusion and she admitted that she was already married. Learned counsel further submits that no offence in these circumstances is made out against the petitioner, if the informant was a major lady and there has been a physical relationship between two consulting adults that would not constitute any offence. Learned counsel further submits that even from the facts of the case the petitioner finally denied to



solemnize marriage on 29.04.2018 but the informant lodged this case on 21.05.2018 i.e., after a delay of 24 days without any explanation for the same and it makes the whole prosecution case doubtful against the petitioner. The petitioner is having clean antecedent.

05. Learned A.P.P. for the State opposes the submission made on behalf of the learned counsel for the petitioner. However, learned A.P.P. concedes that subsequently the informant of this case solemnized marriage with one Deepak Kumar Saw of Jharia, Dhanbad on 28.11.2018 and from there she went missing.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the doubtful nature of case and improbable nature of accusation, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of Court of learned S.D.J.M., Jamui/Court concerned in connection with Jamui Mahila P.S. Case No. 68 of 2022, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

(i) One of the bailors will be a



close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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