

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55811 of 2024

Arising Out of PS. Case No.-19 Year-2023 Thana- MAHILA PS District- Jehanabad

Md. Salam Alam son of Md. Mumtaz Alam Village- Shakurabad, P.S.-
shakurabad, Dist- Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar, Advocate

For the Opposite Party/s : Mr. Mukesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

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

2. The petitioner apprehends arrest in connection with
Jehanabad Mahila P.S. Case No. 19 of 2023 dated 03.07.2023
instituted for the offence punishable under Section 341, 323,
376, 504, 506/34 the Indian Penal Code and Section 4 of the
Dowry Prohibition Act.

3. The prosecution case, in short, is that the informant
met with the petitioner at the house of her maternal aunt and fell
in love with each other and thereafter, the petitioner established
physical relation with the informant on the pretext of
performing marriage and when the informant asked the
petitioner for marriage then the family members of the
petitioner demanded dowry in lieu of marriage.



4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that the present F.I.R. has been lodged on refusal of marriage made by the petitioner. Learned counsel for the petitioner further submits that the informant has admitted that there was love affairs between the petitioner and her. Due to non-fulfillment of demand of dowry, the marriage could not be solemnized. Learned counsel for the petitioner submits that the informant is major young lady aged about 20 years. Learned counsel for the petitioner further submits that from bare perusal of the F.I.R., it is apparent that she herself went to Jehanabad and thereafter she went with him to his village Shakurabad and with her sweet will and full consent, the petitioner established physical relation with the informant, as such no offence under Section 376 of the Indian Penal Code is made out against the petitioner. Lastly, it has been submitted that petitioner has no criminal antecedents.

5. On the other hand, learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of



six weeks from today, in connection with Jehanabad Mahila P.S. Case No. 19 of 2023, he will be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Jehanabad, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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