

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73976 of 2023

Arising Out of PS. Case No.-84 Year-2023 Thana- JALALPUR District- Saran

SUMIT KUMAR MISHRA @ VIJAY KUMAR MISHRA Son of Nand
Kumar Mishra Resident of village - Mishrawalia, P.O. and Police Station -
Jalalpur, District - Saran (Chapra).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra, Advocate

For the Opposite Party/s : Mr. Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 05-03-2024 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Jalalpur P.S. Case No. 84 of 2023 for the offence registered under sections 376 and 504 of the Indian Penal Code and section 3/4 of the Dowry Prohibition Act lodged on 24.04.2023 by the informant, Anjali Kumari.

3. As per the prosecution story, the informant has alleged that she was in love affair with the petitioner herein and on the promise of solemnizing marriage with her, he made physical relationship and later denied the marriage. Accordingly, the *panchayati* took place, the father accepted for the marriage but later retracted asking for Rs. 2 lakhs. Accordingly, the FIR.

4. Learned Counsel for the petitioner submits that the



lady is major, cannot say that false promise was made, she alleges that for one year there was physical relationship between them but as per his Passport No.- RXX7XX75, he was out of country for the period 12.10.2021 to 15.02.2023 in Azman, an Arab country and in that background, the FIR of 24.04.2023 has got no basis.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail stating that on the false promise, he established physical relationship.

6. Having gone through the submissions put forward by the parties as also the perusal of the Passport No.- RXX7XX75, it seems that the petitioner was out of country *inasmuch* as he left the country on 14.10.2021 and returned on 14.02.2023.

7. Further, the lady is major and consented to the physical relationship as per the FIR, this petitioner has no criminal antecedent, FIR lodged and ultimately he will be facing the trial, this Court is inclined to extend him privilege of anticipatory bail.

8. Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like



amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-13th, Chapra, District-Saran in connection with Jalalpur P.S. Case No. 84 of 2023 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Neha/-

U		T	
---	--	---	--

