

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76804 of 2024

Arising Out of PS. Case No.-26 Year-2024 Thana- MAHALGAON District- Araria

Dhiraj Kumar S/o Ashok Biswas R/V - Bodel, Ward No.09, P.S. - Mahalgaon,
Distt. - Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Prabhat, Advocate

For the Opposite Party/s : Mr. Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 29-10-2024 Heard Mr. Mahendra Thakur, learned counsel for the
petitioner and the State.

2. The petitioner is in custody in connection with Mahalgaon P.S. Case No. 26 of 2024 for the offence punishable under sections 493, 376, 504, 506 and 120(B) of the Indian Penal Code lodged on 03.05.2024 by the informant, Supriya Kumari.

3. As per the prosecution story, the informant alleged that the petitioner entered physical relationship with her on the pretext of marriage and later married someone else. When the family went to his house, abused which followed the FIR.

4. Learned counsel for the petitioner submits that a perusal of Annexure-2 would show that earlier, the same kind of complaint was made against one Rupesh Kumar Biswas that he



established physical relationship on the false promise of marriage that was lodged in the year 2022 and now, the fresh case against the petitioner. In that background, despite he having been married in the month of April 2024, is in custody since 30.07.2024 (paragraph-4 of the petition).

5. Learned APP opposes the prayer for bail submitting that allegation is of establishing physical relationship on the pretext of marriage.

6. Considering the submission put forwarded by the parties as also that two similar cases are there, one against the petitioner and other against Rupesh Kumar Biswas (Annexure-2 of the petition), the girl is major and as per the contention of the petitioner in the complaint of 2022, she had incorporated her age as eighteen years which means that she was twenty years of age on the date, this FIR was lodged, is in custody since 30.07.2024 and do not have any criminal antecedent, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned CJM, Araria, in connection with Mahalgaon P.S. Case No. 26 of 2024 subject to the following conditions:



(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her 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 appear before the concerned police station every fortnight for six months to mark his attendance;

(iv) 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;

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

(Rajiv Roy, J)

Adnan/-

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