

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85343 of 2023

Arising Out of PS. Case No.-513 Year-2022 Thana- HILSA District- Nalanda

Raushan Rakesh Kumar S/O SRI RADHEY SHYAM MAHTO VILLAGE-
JAITIPUR, PS. HILSA, DIST. NALANDA.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ankit Kumar, Advocate
		Mr. Kishore Kunal, Advocate
For the Opposite Party/s	:	Mr. Dilip Kumar No. 1, APP
For the Informant	:	Mr. Lovekush Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 12-07-2024 1. Heard learned counsel for the petitioner, learned
APP for the State and learned counsel for the informant.

2. The petitioner has preferred this application for grant of anticipatory bail apprehending his arrest in connection with Hilsa P.S. Case no. 513 of 2022 registered under sections 498A, 341, 323, 354 and 34 of the Indian Penal Code and sections 3 and 4 of the Dowry Prohibition Act.

3. As per the prosecution case, the informant states that she was married to the petitioner on 11.12.2019. At the time of marriage, Rs. 20,00,000/- in cash and other articles as per her father's capacity was given. The informant further states that soon after marriage, her husband, mother-in-law and father-in-law started to make demand of motorcycle and Rs.2,00,000/- and started to torture the informant on non-fulfillment of the same. It is further stated that her husband, the petitioner herein



also has illicit relationship with one Mamta Kumari, resident of Postal Park. He has continuously been instigating her to commit suicide. As such the F.I.R.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case only for the reasons that he happens to be the husband of the informant. The allegations levelled against him are false and concocted. In course of investigation, the petitioner had been given the benefit of section 41(1) of the Cr.P.C and he has continuously cooperated in the investigation. He undertakes to cooperate in the investigation/trial. With respect to issuance of process under section 82(1) of Cr.P.C, it is submitted that the petitioner has not been declared a proclaimed offender and no order has been passed against him declaring him so under section 82(4) of the Cr.P.C. In support of his contention learned counsel for the petitioner relies on the judgments reported in 2022 (5) BLJ 29, 2022 (3) BLJ 74, (2014) 8 SCC 273 and (2021) 1 SCC 676. It is further submitted that this Court has been pleased to grant bail to five other co-accused vide order dated 22.8.2023 (Annexure-2) passed in Cr. Misc. no. 43896 of 2023.

5. The application for bail is opposed by learned APP for the State and learned counsel for the informant. It is



submitted by learned counsel for the informant that the cases relied on by learned counsel for the petitioner have no application in the facts of the instant case. Not only the petitioner is named in the F.I.R but he happens to be the husband of the informant. There is direct allegation against him in the F.I.R of making demand of dowry by way of a motorcycle and Rs.2,00,000/-. There is further allegation of him having assaulted the informant, having illicit relations with one Mamta Kumari as also instigating the informant to commit suicide.

6. Having heard learned counsel for the parties and taking into consideration the allegation against the petitioner in the F.I.R of assault, demand of dowry and having an extra marital relationship together with the petitioner being the husband of the informant, the Court is not inclined to enlarge the petitioner on anticipatory bail and the application is rejected.

7. The petitioner is directed to surrender in the learned trial Court within a period of four weeks.

(Partha Sarthy, J)

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