

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16497 of 2025

Arising Out of PS. Case No.-36 Year-2024 Thana- MAHILA P.S. District- Kishanganj

Rukhshad @ Rukhshad Alam, Son of Hasib Resident of Village - Banbari,
Ward No.11, P.S. - Bahadurganj, District - Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Sinha, Adv.

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 14-05-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Kishanganj Mahila P.S. Case No. 36 of 2024 registered for the offences punishable under Sections 376, 294, 354B, 420, 506, 499 and 120B/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

3. The allegation against the petitioner is of establishing physical relationship with the daughter of the informant on the pretext of marriage and, later on, making her obscene photograph viral. It is alleged that when the informant and her daughter asked to solemnize marriage, the accused persons including the petitioner demanded Rs.5 lacs as dowry.

4. Learned counsel for the petitioner contended that



both the parties are major and admittedly they have been coming in relationship for the last ten months, but there has never been any complaint against the petitioner. The date on which the petitioner and his family refused to solemnize marriage, the present FIR came to be lodged. It is further contended that so far the allegation of making the obscene photograph of the daughter of the informant viral, it has not been disclosed as to whether the same has been done by the petitioner through his mobile or it is the act of some other person. The age of the victim has clearly disclosed as 22 years and during the course of investigation, it has come that the petitioner and the victim were in love affair. None of the person has supported the allegation of Panchayati and, as such, the allegation does not inspire confidence, lacking ingredient of offences as alleged in the FIR.

5. On the other hand, learned counsel for the State taking this Court through the statement of the victim vehemently contended that there is specific allegation levelled against the petitioner that on the pretext of marriage, he established physical relationship and, later on, he refused to solemnize marriage.

6. Regard being had to the submissions made on



behalf of the parties and considering the fact that both the parties are major and were consenting party to the relationship, coupled with the fair antecedent of the petitioner, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Kishanganj in connection with Kishanganj Mahila P.S. Case No. 36 of 2024, subject to the condition as laid down under Section 482(2) of the BNSS, with further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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