

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26767 of 2024

Arising Out of PS. Case No.-44 Year-2023 Thana- MAHILA PS District- East Champaran

Suman Kumar, Son of Badri Prasad @ Badari Sah Resident of Village-
Daroga Tola, P.S. Banjariya, District- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Raushni Kumari D/o- Jagarnath Sah R/o- Village- Bediban Madhuban P.S.-
Pipra Dist.- East Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Madhurendra Kumar- Advocate
For the State	:	Mr. Uma Shankar Prasad Singh- A.P.P.
For the Informant	:	Mr. Vijaya Laxmi Srivastawa- Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

6 27-01-2025 1. Heard learned counsel for the petitioner, learned

APP for the State and the learned counsel appearing on

behalf of the informant.

2. The petitioner seeks bail in anticipation of his

arrest in a case registered for the offences punishable under

Sections 376, 420, 506, 504, 323, 341 and 34 of the Indian

Penal Code.

3. The learned counsel for the petitioner submits

that the petitioner is a person with clean antecedent and the

informant alleges that she met the petitioner two years back

in a marriage function and subsequently, they entered into a



relationship and petitioner assured to marry her when she attains the age of majority. It is further alleged that petitioner used to establish physical relationship forcibly at the rented accommodation of the informant. On protest, he put vermilion upon her forehead. Further, the accused persons on 30.08.2023 came at the rented accommodation of the informant and demanded Rs.10 Lacs as dowry and co-accused Sudama Kumar threatened to make intimate photos of the informant viral.

4. The learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that the informant herself accepts that she had met the petitioner in a marriage function and thereafter, they came into a relationship and petitioner assured that he will marry her when she attains majority. It is next submitted that petitioner and the informant no doubt were known to each other, but then, petitioner never entered into any physical relationship nor assured the informant of marriage. It is next submitted that from perusal of the allegation, it would



manifest that the informant has tried to implicate the entire family members of the petitioner in order to coerce the petitioner into submission. It is also submitted that the doctor assessed the age of informant in between 18-19 years and the FIR came to be instituted with a false allegation that informant at the time when she came in touch with the petitioner was a minor. It is also submitted that whether informant was a minor or a major shall be adjudicated at the stage of the trial, but then, submits that it absolutely does not stand to reason that as to why the family members of the petitioner would have gone to the rented accommodation of the informant for seeking dowry, which cast an aspersion on the case of the prosecution.

5. Learned A.P.P. and learned counsel appearing on behalf of the informant opposes the anticipatory bail application.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds



in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, East Champaran, Motihari in connection with Mahila P. S. Case No.44 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Satyavrat Verma, J)

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