

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45225 of 2024

Arising Out of PS. Case No.-60 Year-2023 Thana- MAHILA PS District- Khagaria

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Dhanraj Kumar S/o Basdeo Kewat @ Basudeo Kewat R/o Village-Dakshini
Bahorba, Chera Khera, Ward no. 13, P.S.-Alauli, District-Khagaria

... .. Petitioner/s

Versus

1. The State of Bihar
2. Varsha Kumari, D/o Birendra Kewat, R/o Dakshini Bahorba, Chera Khera,
Ward no. 13, P.S. Alauli, District – Khagaria.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr.Adv.

Mr. Kumar Prabhakar, Adv.

For the Opposite Party/s : Mr.Ram Naresh Ray

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 08-01-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for offence under Sections 493, 313 of the Indian
Penal Code.

3. As per F.I.R. the informant has alleged that she had
fallen in love with this petitioner in the year 2020 and on
10.01.2021, this petitioner took her to his house and put
vermilion on her head and accepted her as wife and thereafter,
established physical relation with her. It is further alleged that in
the year 2023, when the informant became pregnant, the
petitioner got aborted her and thereafter, denied to accept her as
wife and also demanded Rs. ten lacs, as dowry.



4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. Petitioner never accepted informant as his wife. He further submits that from perusal of the F.I.R., it is apparent that both parties were major when the relationship developed and they were in relationship for quiet some time. They enjoyed each others company for years together and indulged in sexual act, which cannot be said to be induced or involuntarily. The relationship was consensual. The informant was very much capable of understanding the consequences of her action and simply because the relationship could not work out, it will not give rise to institution of F.I.R. No case either under sections 493 & 313 of the I.P.C. or sections 3 & 4 of the Dowry Prohibition Act is made out against this petitioner. Petitioner has got clean antecedent.

5. Learned A.P.P. opposes the prayer for bail.

6. Considering the aforesaid facts and circumstances, let the above named petitioner, in the event of arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Khagaria in connection with Mahila P.S. Case No. 60



of 2023, subject to condition as laid down under Section 438(2)
of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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