

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74782 of 2025

Arising Out of PS. Case No.-595 Year-2024 Thana- BAKHTIYARPUR District- Patna

Raja Kumar Tiwari S/o Late Deepak Tiwari Resident of Village - Chauparan,
P.S - Chauparan, District - Hazaribagh (Jharkhand)

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s :	Mr.Sunil Kumar Dubey, Advocate
For the Opposite Party/s :	Mr.Anil Kumar Singh No.1, APP
	Mr.Satyam Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 03-11-2025 Heard learned counsel for the petitioner and learned

APP for the State duly assisted by learned counsel for the

informant.

2. The accused-petitioner, named in the F.I.R., is apprehending his arrest in connection with Bakhtiyarpur P.S. Case No. 595 of 2024 registered for the offences punishable under Sections 323, 341, 504, 506, 376, 34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

3. The allegation against the petitioner is to establish physical relationship with the informant/victim on the false pretext of marriage which was fixed on 25.12.2023, whereafter the informant was talking frequently with the petitioner and become friendly.



4. Learned counsel appearing on behalf of the petitioner submitted that due to certain family reasons when the marriage of the informant could not solemnized with the petitioner, the present false implication was raised with aggravated allegation that demand of cash of Rs. Five Lakhs was made as dowry.

5. It is submitted that any corporeal relations as established on the false pretext of marriage cannot be termed as rape and in support of his submission, learned counsel relied upon the legal report of Hon'ble Supreme Court as available through **Ansaar Mohammad Vs. State of Rajasthan and others** reported in **2022 SSC Online SC 886** and also **Pramod Suryabhan Pawar Vs. State of Maharashtra & Anr.** reported in **(2019) 9 SCC 608**.

6. While concluding argument, learned counsel submitted that petitioner is a man of clean antecedent, which also *prima facie* creates a doubt qua allegation which leveled against the petitioner alleging that he is habitual offender of such crime.

7. Learned A.P.P. for the State duly assisted by learned counsel appearing for the informant, while opposing



the prayer for anticipatory bail of the petitioner, submitted that allegation of committing rape is specifically available against this petitioner.

8. In view of the aforesaid factual submissions and by taking note of the fact as *prima facie* physical relation admittedly appears to be made with petitioner by informant/victim on pretext of marriage, coupled with the fact that petitioner appears man of clean antecedent, accordingly, above-named petitioner, in the event of his arrest/surrender within a period of four weeks from this order, is directed to be enlarged on bail on furnishing of bail bond of Rs.10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-III, Barh, District – Patna/concerned court in connection with Bakhtiyarpur P.S. Case No. 595 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C/Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita (in short “B.N.S.S.”).

(Chandra Shekhar Jha, J)

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