

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87103 of 2024

Arising Out of PS. Case No.-1461 Year-2023 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

=====

Dilkhush Kumar S/O Kailash Mandal Resident of Village- Jamani, P.S.-
Jagdishpur, District- Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sangeeta Kumari D/O of Arvind Mandal Resident of Village- Pista, P.S.-
Jagdishpur (Bypass), District- Bhagalpur

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.Nawal Kishore Prasad, APP

=====

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL ORDER

3 12-05-2025 Petitioner seeks pre-arrest bail in connection with

Complaint Case No.1461 of 2023 registered for the offences
punishable under Sections 120(A), 354, 354(A), 366, 375, 493,
496 and 34 of the Indian Penal Code and Section 3/4 of Dowry
Prohibition Act.

2. As per the complaint petition, the petitioner had
established sexual relationship with the informant, who are in
relationship for the past two years and the petitioner has refused
to perform marriage with her merely for non-fulfilment of the
demand of alleged dowry.

3. No one appears on behalf of the petitioner.

4. I find that the record reveals that the petitioner and



the informant were in relationship and both agreed to marry but the petitioner demanded allegedly a sum of Rs.2 lac and one motorcycle and due to non-fulfilment of the demand of dowry, the petitioner refused to marry with the complainant. Law in this regard is well settled by the Apex Court in the case of **Naim Ahmed Vs. State (NCT of Delhi)**, reported in **2023 SCC Online SC 89**.

5. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioner.

6. On the basis of the allegation that due to non-fulfilment of the dowry, the petitioner refused to marry with her. In the present case, the society intervened but the petitioner refused to marry with the complainant and, thereafter, the complaint petition was filed by the complainant, in which she has pleaded that she still wants to marry with her.

7. At the time of swearing of the complaint petition, the complainant was aged about 20 years and the petitioner was aged about 21 years and at the time of filing of the present bail application, it appears that both has emerged as adult after crossing the age of adolescence and physical, biological and psychological change takes place during the same age and the infatuation is not uncommon for each other. The petitioner and



the complainant can negotiate with each other for leading a conjugal life but this Court can not force them to get married. In that view, the petitioner is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the learned district court 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 Chief Judicial Magistrate, Bhagalpur/concerned court, in connection with Complaint Case No.1461 of 2023, subject to conditions as laid down under Section 438(2) of Cr.P.C.

8. The learned district court is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in paragraph No.3 of the bail application, this order will automatically lose its force.

(Purnendu Singh, J)

chn/-

U		T	.
---	--	---	---

