

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.284 of 2025

Arising Out of PS. Case No.-7 Year-2024 Thana- MAHILA P.S. District- Rohtas

Rakesh Kumar S/o Ram Shankar @ Ram Shankar Prasad R/o Village-
Dahiwar, P.S. and Dist.- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Birendra Kumar, Advocate
For the State	:	Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 04-02-2025 Heard learned counsels for the parties.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 376 and 34 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act.

3. As per the prosecution case, the informant and this petitioner were working in a Railway Company at Samastipur since 2018. During course of work, they came in contact and friendship developed between them. It is alleged that thereafter, on the false promise of marriage, this petitioner established psychical relations with the informant at several places and when father of informant went to house of this petitioner to settle marriage, he demanded Rs. 2,50,000/- as dowry. It is further alleged that informant's father gave Rs. 2,50,000/- to the



petitioner. Thereafter, when informant's father went to house of this petitioner to fix the date of marriage, family members of this petitioner denied the same and demanded further Rs. 2,50,000/- as dowry and on refusal, they denied for solemnizing the marriage of informant and this petitioner due to which, father of informant died. It is further alleged that on 31.01.2024 a *Panchayati* was also held but the accused persons, including this petitioner, were adamant for dowry.

4. It is submitted by learned counsel for the petitioner that petitioner is innocent and has committed no offence and has falsely been implicated in this case with oblique motive. It is further submitted that from bare perusal of the F.I.R. it is apparent that both parties were working in a Railway Company at Sasaram since 2018 and came in contact with each other and a relationship developed, which continued for more than 6 years. Informant is a major and she was well aware of the consequences of such relationship. As a matter of fact, it was a consensual relationship and as such, the same cannot be said to be induced or involuntary. It is not the result of any misconception and as such the same would not amount to rape. Petitioner claims clean antecedent.

5. Learned A.P.P. for the State has vehemently



opposed the prayer for grant of anticipatory bail.

6. Considering the aforesaid facts and circumstances, nature of accusation and clean antecedents of the petitioner, the prayer for grant of anticipatory bail to the petitioner is allowed.

7. Accordingly, in the event of arrest/surrender within a period of eight weeks from today, let the above named petitioner be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Rohtas at Sasaram in connection with Mahila P.S. Dehir Case No. 7 of 2024, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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