

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15271 of 2019

Arising Out of PS. Case No.-41 Year-2018 Thana- MAHILA P.S. District- Banka

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DEVANAND SAH @ DEVANAND KUMAR S/o Subodh Sah Resident of
Village- Pipra, P.S.- Shambhuganj, District- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ram Sevak Choudhary

For the Opposite Party/s : Mr.Dashrath Mehta

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 02-05-2019

This is an application for grant of anticipatory bail in connection with Mahila P.S. Case No. 41 of 2018, disclosing offences under Sections 498A, 494, 493, 496, 341, 323, and 504/34 of the Indian Penal code.

Prosecution case as per the FIR is that that the informant was married with the co-accused Gopal Sah and after marriage she came her sasural and came to know that her husband has already married and thereafter, her father-in-law and mother-in-law had assured her to marry with the petitioner and on that assurance, the petitioner made physical relationship for three years and thereafter, they asked her to remain as kept.

Submission of learned counsel for the petitioner is that that the marriage was solemnized in the year 2009 and after nine years , the present case has been filed by the informant and



the wording of the F.I.R. itself shows that she was a consensual party in that physical relationship, which was continued for years and considering the above fact neither any offence under Sections 498(A), 494, 493 and other Sections are made out and so far physical relationship is concerned, it was consensual.

Heard learned A.P.P. as well as learned counsel for the informant, who have opposed the prayer for anticipatory bail of the petitioner on the ground that after assurance of marriage, petitioner is not ready to marry with the informant.

Having heard both parties. In view of the facts and circumstances as stated above, let the petitioner, above named, in the event of his arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned S.D.J.M, Banka in connection with Mahila P.S. Case No. 41 of 2018, subject to that condition that laid down under Section 438(2) of the Code of Criminal Procedure.

(Vinod Kumar Sinha, J)

Amjad/SKSuman.

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