

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.5872 of 2020**

Arising Out of PS. Case No.-122 Year-2019 Thana- MAHILA P.S. District- Nalanda

Mukesh Pandey @ Mukesh Kumar Pandey, aged about 38 years, Male,
Son of Bachchu Pandey Resident of Village- Barara, P.S.- Noorsarai,
District- Nalanda.

... .. Petitioner

Versus

1. The State of Bihar
2. Chandani Kumari, Gender – Female, Wife of Mukesh Pandey,
Daughter of Satyaprakash Resident of Village- Barara, P.S.- Noorsarai,
District- Nalanda. At present Address- Resident of Village- Harnaut,
P.S.- Harnaut, District- Nalanda.

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Sinha, Advocate
For the Opposite Party/s : Ms.Renu Kumari, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 17-09-2020 Heard learned counsel for the petitioner and Ms. Renu
Kumari, learned A.P.P. for the State.

Petitioner, in the present case, is seeking pre-arrest
bail in connection with Mahila P.S. Case No. 122 of 2019
registered for the offence under Sections 498(A), 323, 504, 313
and 495 of the Indian Penal Code.

The allegation against the petitioner is that he had
solemnized a marriage with the informant and was living with
the informant in a rented house where the informant got
pregnant twice but she was made to abort. The informant
alleged that the petitioner had already his marriage whereupon



she asked the petitioner as to why he solemnized marriage with the informant. It is alleged that the petitioner thereupon became angry and after beating her threw her from his house.

Learned counsel for the petitioner submits that the allegations are completely false and baseless. The informant is herself a working lady as she is working on the post of Jeevika and she has declared her marital status as unmarried. It is his submission that the petitioner is a driver and in course of driving he met the informant in the year 2017. On the advice of the informant, the petitioner had invested Rs. One Lakh in one DNX Marketing India Private Limited, but had no profit from the same. The informant was demanding Rs. 3 Lakhs more and on refusal to pay the same, he was threatening the petitioner to falsely implicate in a rape case. It is submitted that the informant is adult aged about 24-25 years.

On the last date, this Court had after going through the case diary which was made available called for the further up-dated case diary. The Investigating Officer has sent the up-dated case diary from which it appears that despite his repeated demand from the informant to provide the medical papers showing her abortion, she has not made available the same. It is the case of the petitioner that no marriage has taken place



between the petitioner and the informant, in course of investigation no witness has come forward to say that they had seen both the parties entering into a marriage as there is no one to say that they were present on the occasion of marriage ceremony. No marriage certificate has been produced.

Learned A.P.P. for the State has in the aforementioned circumstance though opposed the prayer for anticipatory bail but accepts that in the case diary the Investigating Officer is not able to collect any prima-facie material showing solemnization of marriage between the parties.

Having regard to the facts and circumstances of the case and the materials appearing from the case diary as this court does not find any prima-facie material showing solemnization of marriage between the parties and/or any documents of any abortion which has been alleged by the informant, the fact that informant is adult aged about 24-25 years, let the petitioner above-named in the event of his arrest or surrender within a period of four weeks from today in connection with Mahila P.S. Case No. 122 of 2019 be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda at



Biharsharif, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

