

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15326 of 2021

Arising Out of PS. Case No.-2 Year-2020 Thana- VIJAYEPUR District- Gopalganj

RAJESH KUMAR MADHESHIYA S/O SITARAM SAH R/O VILLAGE-PARSIYA, BHAGWATI MAGHARA, P.S.-KHUSHUNDU, DISTRICT-DEORIA (U.P). Petitioner/s

Versus

1. THE STATE OF BIHAR
2. NEHA KUMARI GUPTA D/O SRI RAJESH KUMAR GUPTA R/O VILLAGE-MUSHEHARI, P.S.-BIJAIPUR, DISTRICT-GOPALGANJ (BIHAR).

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Munna Pd. Dixit, Adv.

For the Opposite Party/s : Mr. Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 09-07-2021 Heard Mr. Munna Prasad Dixit, learned counsel for the petitioner and Mr. Md. Mushtaque Alam, Additional Public Prosecutor for the State through video conferencing.

2. Petitioner seeks regular bail in connection with Bijaipur PS Case No. 02/2020 registered for the offence punishable under Sections 406, 420, 467, 468, 376, 323, 120(B) of the IPC and Section 3/4 of the Dowry Prohibition Act.

3. The allegation, as per Complaint-cum-First Information Report, is that marriage of son of the petitioner, namely, Mohit Kumar Madheshiya was fixed with the OP No.2/informant, Neha Kumari Gupta and Rs. 2 Lacs as dowry was, allegedly, transferred in the account of co-accused, Mohit Kumar Madheshiya. It has further been alleged that after some



time, the accused no.1, Mohit Kumar Madheshiya and his family members refused to perform marriage with OP No.2/informant and the said accused no.1 taking advantage of situation established physical relationship with OP No.2/informant.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case inasmuch as earlier there was proposal between the parties for marriage with OP No.2/informant but somehow, due to some family reason, the accused persons did not agree to perform marriage with OP No.2/informant due to which just after ten days of the engagement ceremony, instant complaint case has been lodged by way of vengeance. Learned counsel next submits that the petitioner is father of accused no.1 and one of the accused persons, namely, Rohit Madheshiya who is also son of the petitioner, has been granted anticipatory bail by a Co-ordinate Bench of this Court in Cr. Misc. No. 36956/2020. Learned counsel further submits that from perusal of the statement of the victim girl recorded under Section 164 of the CrPC, it would be evident that engagement was performed on 08.11.2019 and it has been stated that on the very next day, the accused persons declined to solemnize marriage with OP No.2/informant. As such, the allegation of the informant that accused no.1 established physical relationship taking advantage of the engagement is palpably false and concocted.



5. Having regard to the submissions made by the parties and taking into consideration the material on record and the fact that one of the co-accused, Rohit Madheshiya has been granted anticipatory bail by a Co-ordinate Bench of this Court, the statement of the victim girl recorded under 164 CrPC and petitioner is in custody since 28.11.2020 having no criminal antecedents and charge-sheet has also been submitted, I am inclined to grant regular bail to the petitioner.

6. Accordingly, let the petitioner, RAJESH KUMAR MADHESHIYA be released 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 Chief Judicial Magistrate, Gopalganj in connection with Bijaipur PS Case No. 02/2020.

7. It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines of social/physical distancing and sporting masks.

(Anil Kumar Sinha, J)

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