

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20498 of 2021**

Arising Out of PS. Case No.-71 Year-2020 Thana- MAHILA P.S. District- Nalanda

PANKAJ KUMAR @ SAHIL PRAKASH SON OF LATE RAJESHWER
PRASAD R/O - PANDIT GALI, P.S.- BIHAR, DISTRICT- NALANDA.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K.Agrawal, Sr. Adv. Mr. Amresh Kumar Sinha, Adv. Mr. Shashi Bhushan Singh, Adv.
For the State	:	Dr. Mritunjay Kumar Goutam, APP
For the Informant	:	Mr. Mrigendra Kumar, Adv. Mr. Hansraj, Adv.

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER**

3 30-09-2021 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 376, 504, 506 and 34 of the Indian Penal Code and sections 3 and 4 of the Dowry Prohibition Act.

As per the prosecution case, it is stated by the 29 year old informant that she was in love with the petitioner and for the last 10 years, on the pretext of marriage, he was forcibly exploiting her. On her becoming pregnant, he was forcing her to get the same aborted. It is further stated that the accused are asking for dowry by way of Rs.10 lacs for marriage.

It is submitted by learned senior counsel for the



petitioner that from perusal of the contents of the F.I.R. as also the statement of the informant under section 164 Cr.P.C., the facts are not in dispute that the informant was a major and she was in relationship with the petitioner. Learned senior counsel further in support of his contention relies on the judgment in the case of Pramod Suryabhan Pawar vs. The State of Maharashtra & Anr. [2019(4) PLJR 71(SC)]. It is submitted that petitioner has no criminal antecedent and is in custody since 17.11.2020.

The application for bail is opposed by learned A.P.P. for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that the petitioner is not only named in the F.I.R. but there is direct allegation of rape against him which has been supported by the informant in her statement under section 164 Cr.P.C. Hence, the application be rejected.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, the contents of the F.I.R. and the statement under section 164 Cr.P.C. together with the judgment in the case of Pramod Suryabhan Pawar (supra), the Court directs the petitioner to be enlarged on bail in connection with Mahila P.S. Case no.71 of 2020 on furnishing bail bond of Rs.10,000/ (Rupees Ten



Thousand) with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Nalanda at Bihar Sharif.

(Partha Sarthy, J)

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