

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26828 of 2020

Arising Out of PS. Case No.-69 Year-2019 Thana- MAHILA P.S. District- Madhepura

Raj Kumar Mandal, Son of Ram Bahadur Mandal, Resident of Village -
Belokhara, Ward No. 04, Police Station - Pipra, District - Supaul.

... .. Petitioner

Versus

1. The State of Bihar
2. Puja Kumari, Daughter of Brahmdeo Mandal, Wife of Raj Kumar Mandal,
Resident of Village and Post Office - Srinagar, Tola Sahajnathpur, Police
Station - Ghailarh, District - Madhepura.

... .. Opposite Parties

Appearance :

For the Petitioner/s	:	Mr.Uday Chand Prasad, Advocate
For the Opposite Party/s	:	Mr.Jai Narain Thakur, A.P.P.
For the O.P. No. 2	:	Mr. Binod Kumar Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 01-02-2021 Heard learned counsel for the petitioner, learned
counsel for the informant-opposite party no.2 as well as learned
A.P.P. for the State.

Petitioner in the present case is seeking pre-arrest bail in
connection with Mahila Madhepura P.S. Case No. 69 of 2019
registered for the offences punishable under Sections 376, 504,
506/34 of the Indian Penal Code and Section 3/4 of the Dowry
Prohibition Act.

Learned counsel for the petitioner submits that although
initially the allegation was made that this petitioner had committed
rape on the informant-opposite party no. 2 on the pretext of
marrying her and for purpose of marriage panchayati was also



held, both of them belong to the same caste but the marriage could not take place because there was a demand of rupees six lakhs.

Learned counsel submits that at this stage the petitioner and opposite party no. 2 have already married and they are living a happy conjugal life.

Learned counsel submits that the opposite party no. 2 is major, her date of birth being 03.09.2001 and even the Doctors in their medical examination report have assessed her age between 17-19 years. Since then more than one year has gone and, therefore, the opposite party no. 2 is major. The present case was lodged by her under undue influence and pressure by her parents. It is, thus, submitted that by sending the petitioner behind the bars no fruitful purpose will be served.

Learned counsel for the informant has supported the plea of the petitioner. Learned counsel has produced the xerox copy of the Aadhar Card bearing signature of opposite party no. 2 which shows her date of birth 03.09.2001. It is admitted that there was a love affair between the petitioner and opposite party no. 2 and now they are married couple and are living peacefully their conjugal life.

In the aforesaid view of the matter, learned A.P.P. for the State has also not taken very strong objection against the petitioner, however, learned A.P.P. submits that the petitioner and



opposite party no. 2 may appear in the learned court below and there her statement may be recorded and on being satisfied the learned court below may pass an appropriate order.

Having regards to the facts and circumstances of the case, this Court agrees with the view expressed by learned A.P.P. for the State.

Let the petitioner and opposite party no. 2 appear in the learned court below within a period of four weeks from today. The petitioner may pray for bail in the learned court below and on being satisfied with the statement of the opposite party no. 2 who will personally appear with her Advocate, the learned court below shall pass an appropriate order thereon if satisfied on the same day.

For a period of four weeks from today, no coercive action shall be taken against the petitioner in the aforesaid case.

Let the xerox copy of the Aadhar Card be kept on record.

This application stands disposed of.

(Rajeev Ranjan Prasad, J)

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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'.

