

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39340 of 2020

Arising Out of PS. Case No.-39 Year-2019 Thana- MAHILA PS District- East Champaran

Akhilesh Pandey Son Of Ginichandra Pandey Resident Of Village -
Loukariya, P.S. - Palanwa, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prateek Tandon, Adv

For the State : Mr. Ram Bilash Roy Raman APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 10-02-2021 Heard learned counsel for the petitioner and the learned
APP for the State.

Learned counsel for the petitioner is expected to honor his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon.

The petitioner seeks bail in Mahila PS Case No. 39 of 2019 instituted for the offence under Sections 313,420,493,506,376/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

After having intimate relation for a considerable number of years, the First Information report alleges that the informant solemnized marriage with this petitioner. Thereafter he has subjected her to cruelty and demand for dowry.

It is submitted that from the First Information report itself it is apparent that the informant and the petitioner's intimacy was based on consent. The prosecution case appears to be far fetched that after such a long period of consensual



relationship such an occurrence would take place. The petitioner is in custody since 15.05.2020 and has no criminal antecedents.

The learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, let the petitioner, above named, 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 the learned Chief Judicial Magistrate Motihari, East Champaran, in connection with Mahila PS Case No. 39 of 2019, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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