

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.8054 of 2022**

Arising Out of PS. Case No.-362 Year-2020 Thana- CHAUTHAM District- Khagaria

Dilip Pandit Son Of Ghanshyam Pandit Resident Of Village - Thoothi, P.S.-  
Chautham, Distt.- Khagaria.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner : Mr.Md. Obaidullah, Advocate  
For the Opposite Party : Mr.A.G.

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

3      15-09-2022                      Heard learned counsel for the petitioner and the  
State.

The petitioner apprehends arrest in a case registered for the offence punishable under sections 342, 376, 506/34 of the Indian Penal Code and sections 3/4 of the Dowry Prohibition Act.

Prosecution case is that informant's elder sister was married 20 years ago with one Pappu Pandit, who is elder brother of the petitioner. 14 years back, informant had gone to the matrimonial house of her elder sister for doing house hold work where petitioner developed intimacy and started making physical relation with her. Meanwhile, informant was married to some other person in Uttar Pradesh. It is alleged that after sometime the petitioner went to her matrimonial house and took



her to Delhi and married her. After some days, petitioner returned to his house but did not allow the informant to enter into his house. Accused persons also demanded dowry of Rs.2 lacs.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case on the behest of his elder brother-in-law Pappu Pandit, who happens to be own brother-in-law of the victim. It is evident from perusal of the FIR itself that the instant false case has been filed to pressurize the parents of the petitioner to give share of the property to the brother-in-law of the victim. Furthermore, the victim has alleged that the alleged offence had been committed by the petitioner 14 years ago, whereas the Medical Board on 8.1.2021 has assessed her age to be 20 to 22 years, thereby at the relevant time, she was about six years old when petitioner started making physical relation with her. Besides this, SDPO has also found that no case under section 376 of the Indian Penal Code is made out against the petitioner. Petitioner has got no criminal antecedent.

Considering the aforesaid facts of the case, prayer for bail of the petitioner is allowed. In the event of arrest/surrender within six weeks from today, let the petitioner mentioned above



be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate 1<sup>st</sup> class,, Khagaria in Chautham Police Station Case No. 362 of 2020/GR No. 3852 of 2020, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure.

**(Prabhat Kumar Singh, J)**

Shashi

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