

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21208 of 2022

Arising Out of PS. Case No.-33 Year-2021 Thana- MAHILA P.S. District- Banka

=====

Ajay Kumar Pandit, Son of Kisan Pandit, Resident of village- Rampur, P.S.- Banka, District- Banka.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Veena Devi, Wife of Ajay Kumar Pandit, D/o Brahmdeo Pandit, Resident of village- Chitrasen, P.S.- Belhar, District - Banka.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee, Advocate

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 27-07-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Ajay Mukherjee, learned counsel for the petitioner and Mr. Satyendra Narayan Singh, learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Banka Mahila P.S. Case No. 33 of 2021 registered for the offences punishable under Sections 498(A), 326/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

As per prosecution case, it is alleged that the marriage



of the informant was solemnized with the petitioner in the year 2014 and out of their wedlock, a male child was born. It is further alleged that after some time, the informant was subjected to demand of dowry for motorcycle as well as a cash of Rs.1,00,000/- and due to non-fulfillment of the same, she was tortured physically and mentally. It is also alleged that the petitioner fled away along with one another girl of his village and started living with her.

Learned counsel appearing on behalf of the petitioner submits that the present F.I.R. was instituted because of misconception of the institution of Banka P.S. Case No. 430 of 2021, which has been registered under Sections 366A of the Indian Penal Code against the petitioner and the informant suspected the hands of the petitioner in the aforesaid case, however, the police after investigation submitted final form and not sent up the petitioner for trial. It is next submitted that there is no specific allegation against the petitioner, rather general and omnibus allegation has been levelled against all the family members only in order to put pressure upon the petitioner. It is next submitted that this petitioner is ready to keep the informant along with the child with full dignity and honour and he is also giving undertaking that after his release from the jail, he would



go to the Maika of the opposite party no.2 to bring her to the matrimonial home along with the child. The petitioner is in custody since 19.11.2021.

On the other hand, learned counsel for the State opposes the bail application and submits that the petitioner happens to be the husband of the informant and there is specific allegation of demand of dowry and torture.

Having regard to the submissions made on behalf of the parties and considering the fact that the petitioner is in custody since 19.11.2021 and he is ready to keep the informant with full honour and dignity, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Banka in connection with Banka Mahila P.S. Case No. 33 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.



(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

uday/-

U		T	
---	--	---	--

