

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.50913 of 2021**

Arising Out of PS. Case No.-177 Year-2020 Thana- BELHAR District- Banka

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DEO NANDAN YADAV, Son of Shankar Yadav, Resident of Village- Lulha,
P.S.- Belhar, District- Banka.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s	:	Mr.Dhananjay Kumar Pandey, Advocate
For the Opposite Party/s	:	Mr.Harendra Prasad, A.P.P.
For the Informant	:	Mr. Praveen Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

8 05-01-2022 Learned counsel for the petitioner undertakes to remove the defects as pointed out by the Stamp Reporter within four weeks after start of normal functioning of this Court.

Heard learned counsel for the petitioner, learned counsel for the informant and Mr. Harendra Prasad, learned A.P.P. for the State.

The petitioner in the present is seeking regular bail in connection with Belhar P.S. Case No. 177 of 2020 registered for the offences punishable under Section 376/34 of the Indian Penal Code. The petitioner is in custody since 05.06.2021. He has otherwise no criminal antecedent.

The F.I.R. has been lodged on 04.06.2020 by the victim lady who has disclosed her date of birth as 12.08.2001. It



is alleged that the petitioner had established physical relationship with the victim for about two years on the pretext of marriage. It is then alleged that the guardian of the victim married her to a boy in another village where this petitioner went and informed her Sasural people that the victim has already married to him. It is alleged that because of this rumour spread by the petitioner the Sasural people started hating her and after few days only they discontinued all relationship with her.

Learned counsel for the petitioner submits that apparently the victim lady is major and her marriage was solemnized according to her own statement with another boy of another village. There is no allegation that at this stage the petitioner ever refused to marry her. Even if her statement is taken as it is, it is evident that her guardian did not want to marry the victim lady with this petitioner and they got her marriage solemnized with another boy.

Learned counsel further submits that the allegation that this petitioner had met her Sasural people to know about the relationship of the victim with the petitioner is completely false, concocted and baseless. In course of investigation it has come that her guardian had fixed the marriage with some other boy, the allegation that the marriage was already solemnized and



then this petitioner had spread rumour about his marriage with the victim has not been supported by the witnesses in the case diary. What has transpired in the case diary is otherwise that the guardian had fixed the marriage of the victim with some other boy but then the said boy and his family refused to solemnize marriage on coming to know about the relationship.

Learned counsel for the informant has though opposed the prayer for regular bail of the petitioner but at the same time on query made by this Court as to whether or not the victim was married with some other boy, learned counsel submits that he has got no instruction on this point.

Learned A.P.P. for the State has read out some of the paragraphs of the case diary from which it appears that according to the mother of the victim and the co-village, the marriage was only fixed and was not solemnized to any other boy. Thus, apparently the allegation in the F.I.R. and what has transpired in the case diary are not in consonance with each other.

Having regard to the materials which have been noticed in paragraph '5' and some other paragraphs of the case diary and that the victim lady is major, the petitioner having already remained in jail for over six months and has otherwise



no criminal antecedent, this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Belhar P.S. Case No. 177 of 2020, subject to the conditions as laid down under Section 437(3) of the Cr.P.C.

And further condition that 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 step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(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'.

