

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52380 of 2023

Arising Out of PS. Case No.-46 Year-2023 Thana- ANDHRAMATH District- Madhubani

Dinesh Sah S/O Gangai R/O Bagewa, P.S.-Andhramath, District-Madhubani

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Namrata Mishra, Adv.

For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 11-10-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Andhramath P.S. Case No. 46 of 2023 dated 03.04.2023 lodged
under Sections 341, 323, 376, 504, 506 and 34 of the I.P.C.

3. As per the prosecution case, the F.I.R. has been
lodged against 5 named accused persons including the present
petitioner. The allegation against the petitioner is that he has
solemnized marriage with the informant one and half year back
and subsequently, left her. Even after *Panchayati*, he did not
obey the decision of *Panchayat* itself due to this reason, the
F.I.R. has been filed with delay.

4. Learned counsel for the petitioner submits that the
content of statement made in the F.I.R. by the informant is the

defence of the petitioner. Counsel further submits that admittedly, on the date of filing of the F.I.R., the age of the informant was 21 years and marriage was also solemnized one and half year earlier, meaning thereby, at the time of marriage also, the informant was major. It has also been accepted that they entered into marriage as per the Hindu rites and rituals. Subsequently, the matrimonial dispute has arisen between them. Thereafter, *Panchayati* took place to settle the matrimonial dispute, but when no settlement took place, then the present F.I.R. has been lodged. Counsel submits that it is absolutely not a case of rape.

5. Counsel further submits that antecedent of the petitioner is clean and he is in custody since 11.04.2023.

6. Learned counsel for the State opposes the prayer for bail, but submits that from the content of F.I.R., it transpires that the relation developed between them with their consent.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Jhanyharpur, Madhubani in connection with Andhramath P.S. Case No. 46 of

2023, subject to the following conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:-

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Dr. Anshuman, J.)

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