

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68094 of 2023

Arising Out of PS. Case No.-389 Year-2014 Thana- BARH District- Patna

Shanti Bhushan Pandey S/O Indu Bhushan Pandey R/O Village- Kajichak,
P.S- Barh, Distt.- Patna.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Priyanka Singh, Adv.

For the Opposite Party/s : Mr. Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 18-10-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Barh P.S. Case No. 389 of 2014 lodged under Section 376 of the
I.P.C.

3. As per the prosecution case, the F.I.R. has been
lodged against 2 named accused persons alleging in the F.I.R.
which has arisen by a complaint case converted into F.I.R. under
Section 156(3) of the Cr.P.C. that both the accused persons have
developed physical relation with the informant on the pretext of
marriage due to which she became pregnant. Subsequently, both
the accused persons refused to marry with the informant
thereafter the complaint case has been filed.

4. Learned counsel for the petitioner submits that the

present case is out and out false case. He submits that both the accused persons are full brothers and allegation in the F.I.R. that both brothers have developed physical relation with informant which is not acceptable. Counsel further submits that the cause of filing this case against 2 brothers is nonetheless, but their father itself who has retired from the services of civil court as *Peshkar* and developed illicit relation with one Madhuri Devi and the petitioner along with his mother used to oppose his father and only with a view to teach lesson, the father of the petitioner has implanted one Nilam Devi and supported her to file false case.

5. Counsel for the petitioner further submits that petitioner is in custody is since 03.07.2023 having clean antecedent.

6. Learned counsel for the State opposes the prayer for bail.

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 A.C.J.M.- 1st Barh, Patna in connection with Barh P.S. Case No. 389 of 2014, 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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