

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1859 of 2023

Arising Out of PS. Case No.-37 Year-2022 Thana- MAHILA P.S. District- Bhojpur

Dinesh Pandey Son of Bharat Pandey R/V- Hardiya, P.S- Jagdishpur, Dist-
Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Yadav

For the Opposite Party/s : Mr. Ram Anurag Singh

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 15-02-2023 Heard Ld. counsel for the petitioner and Ld. APP
for the State.

The petitioner seeks bail in connection with Mahila
P.S. Case No.37 of 2022, registered for the offences
punishable under Sections 376, 420, 120(b) of the Indian
Penal Code.

The prosecution case as emerges from the FIR is
that the informant is a widow and the petitioner is alleged to
have made physical relationship with her, with a false
promise to marry her.

Ld. counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this



case. He further submits that on perusal of the FIR, it appears that there was no inducement or threat for making physical relationship between the informant and the petitioner because as per the FIR itself, the accused was married. As such, there is no question of promising to marry the prosecutrix. Moreover, the prosecutrix was a widow at the time of alleged occurrence and her statement in the FIR shows that she was a consenting party and only with ulterior motive she has alleged that she entered into physical relationship with the accused on account of his promise of marrying her. Investigation in this case is complete and charge-sheet has already been submitted.

He further submits that the petitioner has been languishing in jail since 19.10.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has no criminal antecedent.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently



opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. S.D.J.M. Bhojpur, Ara in connection with Mahila P.S. Case No.37 of 2022 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not get hampered on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court



below that the petitioner has any criminal antecedents, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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