

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6347 of 2024

Arising Out of PS. Case No.-35 Year-2023 Thana- MAHILA P.S. District- Bhojpur

Amresh Pandey S/O Mahesh Pandey Resident of Village- Anand Nagar, P.S.
Ara Town, District - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravindra Kumar, Advocate

For the Opposite Party/s : Mr.Dashrath Mehta, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 20-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Bhojpur Mahila P.S. Case No. 35 of 2023, registered on 22.06.2023 for the offences under Sections 341, 323, 504, 506, 313, 376, 498A/34 of the Indian Penal Code and Sections 3/4 of Dowry Prohibition Act.

3. As per prosecution case, petitioner is the father-in-law of the informant and the allegation is that he forcibly established physical relationship with her and when she became pregnant, he got her pregnancy aborted. The brother of the informant committed suicide on coming to know about this fact. There is further allegation against the co-accused persons for torturing and treating the informant with cruelty.



4. Learned counsel for the petitioner submits that the prosecution case is false and concocted and has been filed only in order to pressurize the petitioner and his family members for fulfilling the demands of the informant. Subsequently, the son of the petitioner and the informant have moved application for dissolution of marriage with mutual consent in which the statement of the informant was recorded for passing final orders dissolving the marriage. Learned counsel further submits that the behaviour of the informant was not normal and earlier Magadh Medical P.S. Case No. 28 of 2023 was registered when the informant went missing and her statement under Section 164 Cr.P.C. was recorded after she was taken out from matrimonial home by the police wherein she stated that she was not willing to marry the son of the petitioner and the marriage was solemnized without her consent and at that time no complaint was made against the petitioner. Learned counsel further submits that it is completely a concocted story about suicide of the brother of the informant as he might have committed suicide by hanging himself in Chandigarh due to the bad character of the informant or for any other reason. Further, the father of the informant as well as the petitioner lodged Ara Town P.S. Case No. 258 of 2023 under Sections 365 and 363 of



the Indian Penal Code when the informant fled away from her matrimonial home when she had gone to attend the shradh ceremony of her brother and a closure report was submitted after statement of the informant was recorded under Section 164 Cr.P.C. The informant has levelled totally false allegation against the petitioner with an ulterior motive and with a pressure tactics to get out from the matrimonial relationship. There is no demand or torture and the same has been levelled only to harass the petitioner and his family members. Further more, the pregnancy was aborted as single non viable foetus in uterine cavity was found and abortion was done after six weeks and four days and the allegation on this account is completely false and concocted. The petitioner has got no criminal antecedent.

5. Learned APP opposes the submission made on behalf of the petitioner. Learned APP submits that the specific allegation has been levelled against the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the strong possibility of false implication in the background of aforesaid facts and circumstances, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be



released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur at Ara/concerned court in connection with Bhojpur Mahila P.S. Case No. 35 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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