

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9235 of 2024

Arising Out of PS. Case No.-95 Year-2023 Thana- ARIYARI District- Sheikhpura

Mahendra Pandey @ Mahesh Pandey Son of Late Hardev Pandey Resident of
Village-Chak Abgil, P.S.-Ariyari (Kasaro O.P.), District- Sheikhpura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dr. Anjani Pd. Singh, Adv.

For the Opposite Party/s : Ms.Nirmala Kumari, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 20-02-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends arrest in connection with
Ariyari(Kasar OP) PS Case No.95 of 2023 dated 03-04-2023,
instituted under Sections 304(B),201,34 of the IPC and Section
¾ of the Dowry Prohibition Act.

3. The informant has alleged killing of his sister at the
matrimonial home on account of non-fulfillment of dowry
demand. The same is preceded by allegations of torture and
assault by all the in-laws. Marriage is said to have taken place 5
years prior to the alleged occurrence dated 03-04-2023.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in this
case. It is submitted that 4 persons have been made accused,



which includes all the in-laws family members of deceased. The petitioner is father-in-law of the deceased. There is no specific allegation against the petitioner rather general and omnibus allegation is leveled against the petitioner. It is submitted that the victim herself went to pond for taking bath and she had drowned in the pond situated near the petitioner's house. It is further submitted that before cremation, the petitioner had informed the informant. It is also submitted that the informant filed a petition before the learned ACJM 1st Sheikhpura, stating therein that under misunderstanding, the present case has been lodged. The matter has been resolved between the parties. By virtue of his relationship, he has been made accused in the instant case. It is next submitted that offence under Sections 304B and 201/34 of the IPC and Section 3/4 of the Dowry Prohibition Act is not attributed against the petitioner. Lastly, it is submitted that the one criminal case is pending against the petitioner, in which, he has been acquitted.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon



furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM 1st Sheikhpura, in Ariyari (Kasar OP) PS Case No.95 of 2023, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

7. The application stands allowed.

(Khatim Reza, J)

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