

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37185 of 2014

Arising Out of PS.Case No. -823 Year- 2013 Thana -BHAGALPUR COMPLAINT CASE District-
BHAGALPUR

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1.Karamdeo Mandal son of Late Chamru Mandal.
2.Smt. Saraswati Devi, wife of Karamdeo Mandal
Both residents of village Bishanpur Jichho, P.S. Lodipur, District
Bhagalpur.

.... Petitioner/s

Versus

1.The State of Bihar.
2.Veena Devi, D/O Sri Ramdhan Das, resident of village and P.O.
Bishanpur Jichho, P.S. Lodipur, District Bhagalpur (Complainant).

.... Opposite Party/s

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 27-02-2015 Heard learned counsel for the parties.

Having regard to the nature of allegation against the petitioners for the offences punishable under Sections-498A of the Indian Penal Code and Section-4 of Dowry Prohibition Act, this Court would find that the petitioners being Father-in-law and Mother-in-law in the peculiar facts of this case would be entitled for getting the privilege of anticipatory bail by way benefit of doubt for a simple reason that the marriage of their son ViKas Kumar with Veena Devi opposite party no. 2 had taken place in a temple on the accord of their aforesaid son and if therefore, he is subsequently disowning his

liability of keeping his wife with him it is the husband Vikash Kumar who shall prima facie be held responsible for the offence in question.

As a matter of fact, it is also submitted that the petitioners have got no objection in the relationship between their son and the complainant wife and if the son is prepared to live with the complainant they will never raise any objection or create any hindrance in their conjugal life. In this regard both the petitioners are prepared to give a written undertaking before the Court below that they shall not in any way disturb the conjugal life of their son and Opposite Party No. 2.

That being so, if Karamdeo Mandal and Smt. Saraswati Devi, the two petitioners would surrender within a period of four weeks from today and give a written undertaking as explained above both of them shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of **S.D.J.M., Bhagalpur**



in connection with **Complaint Case No. 823 of 2013(Bhagalpur)** subject to the conditions laid down under Section- 438 (2) Cr. P.C and also subject to the following conditions:-

(i) That both the bailors will be close relative of the petitioners who will give an affidavit giving genealogy as to how they are related with the petitioners. The bailors will also undertake to inform the Court if there is any change in the address of the petitioners.

(ii) That the bailors shall also state on affidavit that they will inform the Court concerned if the petitioners are implicated in any other case of similar nature after their release in the present case and thereafter the Court below will be at liberty to initiate the proceeding for cancellation of bail on the ground of their misuse.

(iii) That the petitioners will give an undertaking that they will remain present on the

date fixed for charge and if they fail to do so on two given dates and delay the trial in any manner, their bail will be liable to be cancelled for reasons of misuse.

(iv) That the petitioners will also be well represented on each and every date of trial and if they fail to do so on two consecutive dates, their bail will be liable to be cancelled on this ground alone.

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(Mihir Kumar Jha, J)