

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51876 of 2014

Arising Out of PS.Case No. -63 Year- 2011 Thana -SIKTI District- ARRARIA

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Arun Kumar Mandal, son of Biran Lal Mandal, resident of village
Deepnagar, Ward No. 11, P.S.- Sikty, District- Araria.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gopal Kumar Jha

For the Opposite Party/s : Mr. Asha Devi(App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

3 26-06-2015 Heard Counsel for the petitioner and the learned APP for
the State.

The husband of the deceased is facing accusations punishable under Section 304B IPC along with other family members in Sikty P.S. Case No. 63 of 2011 lodged by mother of the deceased. Apprehending his arrest therein, the present application has been filed.

The prosecution case is that the deceased was married to the petitioner 3-4 years ago whereafter the family members had tortured her on account of non-fulfilment of dowry. She was ultimately done to death on 5.8.2011 in the matrimonial home. The informant further alleged that on that day, the father-in-law of the deceased had forcibly tried to establish sexual relationship with the deceased which was seriously objected by her.



Counsel for the petitioner submits that in line with the allegations interluded in the First Information Report, the informant in her restatement has stated that the husband (petitioner) had become completely invalid on account of suffering from tuberculosis and the other family members started torturing the deceased. In course of investigation, witnesses have stated that the petitioner was in fact dreading the home. Nobody dare to disobey him. The witnesses have also attributed the allegation of committing murder of the deceased to the father-in-law. In such circumstances, the petitioner was not sent up by the Police for trial after conclusion of investigation. However, the Court, differing with the report, had taken cognizance and hence apprehension.

Counsel for the State, on going through the case diary, is unable to dispute the aforesaid contention of the petitioner.

Considering the particular facts of the case, I am inclined to privilege the petitioner with anticipatory bail. In the event of arrest or surrender in the Court below within four weeks, the petitioner abovenamed is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria in Sikty

P.S. Case No. 63 of 2011 (G.R. No. 1740 of 2011) subject to the condition as laid down under Section 438(2) of the Cr.P.C. with the further following conditions:

(i) One of the bailers shall be the own/close family members of the petitioner.

(ii) In case of framing of charge, the petitioner shall appear in person on each and every date fixed in the Court below. In case of default in doing so on two consecutive occasions without any cogent/satisfactory reason, the Trial Court shall have liberty to cancel the bail bond of the petitioner and secure his arrest in accordance with law.

(Kishore Kumar Mandal, J)

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