

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20878 of 2016

Arising Out of PS.Case No. -52 Year- 2016 Thana -DHURAIYA District- BANKA

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1. Chandan Kumar Mandal @ Chandan Mandal @ Chandan Kumar Mahal S/o Jaykant Mandal
 2. Kundan Kumar @ Kundan Kumar Mandal son of Laxmikant Mandal
 3. Dilip Das @ Surendra Kumar son of Jaldhar Das
 4. Shiso Yadav son of Narayan Yadav,

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Rita Verma(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 16-05-2016 Heard learned counsels for the petitioners and the State.

Petitioner no.2, Kundan Kumar, being husband of the informant, petitioner no.1 being brother of petitioner no.2, and petitioner nos. 3 and 4 being co-villagers of petitioner no.2 are apprehending arrest in a case registered for the offences punishable under Sections 341, 323, 493, 34 of the Indian Penal Code and section 3(1) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Prosecution case is that petitioner no.2 Kundan Kumar established physical relationship on promise of marriage to the informant and, subsequently, performed marriage with her but after marriage torture was inflicted. The marriage was opposed by

petitioner no.1 and his father since the informant belongs to Scheduled Caste family. Subsequently, the informant was taken to Delhi by petitioner nos. 3 and 4 where his husband resides but there also the torture was inflicted.

It is submitted by learned counsel for the petitioners that the thrust of accusation is against petitioner no.2 the husband of the informant and petitioner no.1 has been roped in the present case only because he happens to be brother of petitioner no.2 whereas petitioner nos. 3 and 4 are co-villagers.

Considering the thrust of accusation against petitioner no.2, Kundan Kumar, it is a case for consideration of prayer for regular bail.

Let the learned Court below consider the prayer for regular bail of petitioner no.2, if he surrenders within a period of six weeks in connection with , pending before the .

With the above observation, so far as it relates to petitioner no.2 this application is, accordingly, disposed off.

Considering the thrust of accusation against petitioner no.2, let petitioner nos.1, 3 and 4 above named are released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) each with two

sureties of the like amount each to the satisfaction of the learned
CJM, Banka, in connection with Dharaiya P.S. Case No.52/2016,
subject to the conditions as laid down under Section 438(2)
Cr.P.C.



(Dinesh Kumar Singh, J)

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