

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42606 of 2016

Arising Out of PS.Case No. -145 Year- 2014 Thana -KURSAKANTA District- ARRARIA

1. Rajesh Mandal @ Rajesh Kr. Mandal, Son of Jageshwar Mandal,
Resident of Village- Milki, P.S. Kursakanta, District- Araria.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Sharma

For the Opposite Party/s : Mr. Arun Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 29-09-2016 Learned counsel for the petitioner is permitted to make
necessary correction in the petition, as prayed for.

Heard learned counsels for the petitioner and the State.

The petitioner being husband of the informant is languishing in custody since 29.4.2016 in a case registered for the offences punishable under Sections 498A,354,506,504,341 and 323/34of the Indian Penal Code.

The basic accusation is of torture.

It is submitted by the learned counsel for the petitioner that the petitioner admits his marriage with the informant but the informant has lodged several cases with similar nature of accusation which suggests the malafide intention of the informant for which the petitioner is being chased. Apart from the present



one, the informant has filed Complaint Case No. 839C of 2014 making accusation under sections 379 and 498A IPC and sections 3 and 4 of Dowry Prohibition Act but the same was dismissed on 8.12.2014 and Kursakanta P.S. Case No. 17 of 2016 was registered under sections 498A, 504 and 506 IPC and sections 3 and 4 of Dowry Prohibition Act. The petitioner is on bail in the said case. In Complaint Case No. 2487 of 2014 the petitioner has been granted bail vide Cr. Misc. No. 40378 of 2016. More over, the investigation has already concluded.

Learned counsel for the informant submitted that in the background of perpetual torture the informant has been compelled to lodge cases. The petitioner has been granted provisional bail in Complaint Case No. 2487 of 2014 on the undertaking that he will deposit 50% of the maintenance amount awarded in maintenance proceeding at the time of furnishing bail bonds and rest 50% within a period of four months but he has not complied the same as he has not furnished bail bonds in the said case till date.

Considering the nature of accusation and the fact that the investigation has already concluded, let the above named petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Araria in connection with

Kursakanta P.S. Case No. 145 of 2014.

This court is not inclined to incorporate the same conditions for payment of maintenance amount which has been incorporated in the order passed in Cr. Misc. No. 40378 of 2016 as in case the petitioner defaults in complying with the said undertaking then he will face the consequences in the connected matter.

(Dinesh Kumar Singh, J)

Anil/-

U		T	
---	--	---	--