

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55471 of 2015

Arising Out of PS.Case No. -14 Year- 2015 Thana -MAHILA P.S. District- BHAGALPUR

1. Vijay Mandal son of Mohan Mandal, Resident of village- Chhoti Alalpur, P.s.- Parbatta, District- Bhagalpur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.55170 of 2015

Arising Out of PS.Case No. -14 Year- 2015 Thana -MAHILA P.S. District- BHAGALPUR

- 1. Mohan Mandal son of Late Ramawar Mandal
- 2. Manjula Devi wife of Mohan Mandal Both residents of Village- Chhoti Alalpur, Police Station- Parbatta, District- Bhagalpur.
- 3. Kanchan Devi daughter of Kamleshwari Mandal resident of village Fulkiya, P.S. Ghogha, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.55471 of 2015)

For the Petitioner/s : Mr. Rajesh Kumar Pandey

For the Opposite Party/s : Mr. Veena Kumari Jaiswal(App)

(In Cr.Misc. No.55170 of 2015)

For the Petitioner/s : Mr. Rajesh Kumar Pandey

For the Opposite Party/s : Mr. Veena Kumari Jaiswal (App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 19-09-2016 The petitioner Vijay Mandal of Cr. Misc. No. 55471 of 2015 being husband of the informant and petitioners of Cr. Misc. No. 55170 of 2015 being parents and second wife of the husband of the informant are apprehending their arrest in a case registered for the offences punishable under Sections

498A, 494, 341, 379, 504, 506/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

The basic accusation is of torture for non-fulfilment of dowry demand and performing second marriage.

On the joint prayer of the parties, the matter was referred to the Mediation & Conciliation Centre of the Bihar State Legal Services Authority vide order dated 26.07.2016. The report of the Mediator at Flag-A dated 15.09.2016 reflects that the issue could not be resolved through the process of mediation.

It is submitted by learned counsel for the informant that due to the non-cooperation of the petitioner Vijay Mandal the matter could not be resolved.

It is submitted by learned counsel for the petitioners that the issue could not be resolved as there was dispute with regard to the quantum of payment.

Considering the fact that thrust of accusation is against the husband of the informant Vijay Mandal, this Court is not inclined to grant anticipatory bail to the petitioner Vijay Mandal(Cr. Misc. No. 55471 of 2015). Let learned Court below consider the prayer for bail of the petitioner Vijay Mandal(Cr. Misc. No. 55471 of 2015), if he surrenders within a period of six weeks in connection with Naugachia(Mahila) P.S. Case No. 14 of 2015, pending in the Court of learned Judicial Magistrate, 1st Class, Naugachia,

Bhagalpur.

So far as petitioners of Cr. Misc. No. 55170 of 2015 are concerned, since they being aged persons, the submission on behalf of petitioner No. 3 being second wife of husband of the informant that she was not aware about the first marriage of her husband and the thrust of accusation against the husband of the informant, let the petitioners of Cr. Misc. No. 55170 of 2015, above named, in the event of their arrest or surrender before the Court below within a period of 12 weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Naugachia, Bhagalpur in connection with Naugachia(Mahila) P.S. Case No. 14 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Shageer/-

(Dinesh Kumar Singh, J)

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