

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52163 of 2017

Arising Out of PS.Case No. -439 Year- 2013 Thana -MADHEPURA District- MADHEPURA

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Ramdeo Mandal, son of Yogi Mndal, resident of village- Srinagar, Tola
Kamalpur, P.S.- Ghailadh, District- Madhepura.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nafisuzzoha

For the Opposite Party/s : Mr. Md. Ashlam Ansari

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**
ORAL ORDER

2 07-11-2017 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with
Madhepura (Ghailadh) P.S. Case No. 439 of 2013, registered
under Sections 364 and 504/34 of the Indian Penal Code.

The allegation of complainant-informant, Dolar Devi,
is that the marriage of her son, Durga Mandal was performed
before 15 years with Geeta Devi. After sometime, Geeta Devi in
collusion with Ramdeo Mandal (petitioner) and Ramji Mandal
accompanied her son, Durga Mandal at Punjab for livelihood.
After one month, Geeta Devi and petitioner returned back from
Punjab and told the informant that her son, Durga Mandal will
come very soon, but her son did not return. On 14.06.2012, Geeta
Devi and petitioner asked the complainant-informant to give



Rs.15,000/- to take back her son, Durga Mandal, but on refusal, all accused persons assaulted the informant through fist and slaps and also took cash of Rs.25,000/- from her box.

Learned counsel for the petitioner submits that, in fact, petitioner and co-accused, Ramjee Mandal, had filed Criminal Misc. No. 18595 of 2014, but after submitting the final form against them the aforesaid criminal miscellaneous was withdrawn on 12.08.2014. Later on, the Chief Judicial Magistrate, Madhepura, took the cognizance for the offence under Section 364 and 504/34 of the Indian Penal Code, summoning the three accused persons named in the complaint petition, which is the basis of the F.I.R., including the petitioner, due to that reason the petitioner has filed the present case seeking pre-arrest bail. Further submission is that Geeta Devi, daughter-in-law of the complainant-informant, has earlier filed a Complaint Case No. 599 of 2012 in the court of Chief Judicial Magistrate, Madhepura, against Bhulan Mandal, Bechni Devi, Maheshwari Mandal, Aklu Mandal, Ramdeo Mandal and Yogendr Mandal, regarding kidnapping of her husband, Durga Mandal, who is the son of complainant-informant. But with ulterior motive the present case has been filed with false allegation. It is further submitted that co-accused, Geeta Devi, has already been granted privilege of pre-



arrest bail by a bench of this Court.

Having regard to the facts and circumstances of the case, let the above named petitioner be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Madhepura, in connection with Madhepura (Ghailadh) P.S. Case No. 439 of 2013, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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