

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29202 of 2017

Arising Out of PS.Case No. -2398 Year- 2014 Thana -KATIHAR COMPLAINT CASE District-
KATIHAR

- =====
1. Resham Lal Mandal, Son of Late Udhu Mandal, resident of Village- Mehi Nagar, Police Station- Jalalgarh, District- Purnea.
 2. Koshalya Devi W/o Resham Lal Mandal, resident of Village- Mehi Nagar, Police Station- Jalalgarh, District- Purnea

.... Petitioners

Versus

1. The State of Bihar.
2. Ashra Devi, wife of Resham Lal Mandal, resident of Village- Kalsar, P.S.- Dand Khora, District- Katihar.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar

For the Opposite Party/s : Mr. Rajballabh Singh

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 13-07-2017 Heard learned counsel for the petitioners and learned counsel appearing on behalf of the State.

The petitioners are apprehending their arrest in connection with Complaint Case No. 2398 of 2014 for the offences instituted under Sections 323, 504, 498A, 379/34 of the Indian Penal Code and 3 and 4 of D.P. Act. After enquiry, cognizance has been taken under Sections 498A and 494 of the Indian Penal Code and Section 4 of the D.P. Act.

The allegation against the petitioners is of committing torture upon the victim due to non-fulfillment of the demand of dowry.

It has been submitted on behalf of the petitioners that



the petitioners have falsely been implicated in the present case. There is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have got no criminal antecedent. The petitioner no.1 is husband of the victim and petitioner no.2 is second wife of the petitioner no.1. Due to petty family dispute, the present case has been instituted against the petitioners. The petitioners have further relied upon the judgment of this court, in the case of ***Md. Naimul Haque Ansari @ Naimul Haque Ansari & Ors Vs. The State of Bihar, reported in 2006(3) PLJR 182.***

On behalf of the State, it has been submitted that the petitioners are named in the Complaint case.

Considering the aforesaid facts and circumstances, let the petitioners above named be released on anticipatory bail in the event of their arrest or surrender before the learned court below within a period of six weeks from today in connection with Complaint Case No. 2398 of 2014 on furnishing bail bonds of Rs. 10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Katihar, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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