

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2297 of 2017

Arising Out of PS.Case No. -235 Year- 2014 Thana -COMPLAINT CASE District- BANKA

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1. Kishori Mandal, son of late Brahmdeo Mandal
2. Brajesh Mandal, son of Kishori Mandal
3. Sukesh Mandal, son of Kishori Mandal
4. Nisha Devi, wife of Sukesh Mandal
5. Awadhesh Mandal, son of Kishori Mandal
6. Binita Kumari, D/o Kishori Mandal
7. Usha Devi, wife of Kishori Mandal, All are residents of village - Paidapur, P.S. Shambhuganj, District - Banka.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brij Nandad Prasad

For the Opposite Party/s : Mr. Sri Iftekhar Mahmood

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

2 06-02-2017 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Complaint Case No. 235 of 2015 registered under Sections 302, 328, 201 and 120/34 of the Indian Penal Code.

The allegation of complainant, Sindhu Devi, is that her marriage was performed with Dibesh Kumar Mandal, son of accused no. 1, village- Paidapur, P.S. Shambhuganj, District – Banka. Her in-laws was not ready to give the share to her husband due to that reason her husband used to reside at Delhi



for his livelihood and she used to live with her children at her 'Maika'. Before 15 days, when her husband had come at her 'Maika' then her mother-in-law talked with her husband on mobile and called her husband for partition of the land, on which, her husband went to his house but he did not return. On 31.12.2013, a rumor spread about laying a dead body in the orchard. Thereafter, she went there and identified the dead body of her husband. She raised suspicion about committing the murder of her husband by in-laws due to claiming of partition of land by her husband.

Learned counsel for the petitioners submits that, in fact, marriage of Dibesh Kumar Mandal, son of petitioner no. 1, was performed with complainant of present case and he used to reside at Delhi for his livelihood and since two years, he used to visit his Sasural and also gave his earning. On 31.12.2013, petitioner no. 1 received information on mobile about laying the dead body of his son in the forest then petitioner along with his family members went there and saw the dead body. Thereafter, petitioner no. 1 gave a written report on 31.12.2013 in the Amarpur (Fullidumar) Police Station raising suspicion about having hand of wife and her parents for murder of his son,



Dibesh Kumar Mandal, regarding, Amarpur (Fullidumar) P.S. Case No. 403 of 2013, was instituted under Sections 302 and 201/34 of the Indian Penal Code but only to save the skin, at the instance of her parents, complainant, daughter-in-law of petitioner no.1, filed Complainant Case No. 234 of 2014 in the court of Chief Judicial Magistrate, Banka, after five days of the occurrence against the petitioners and other family members, on which basis, Amarpur (Fullidumar) P.S. Case No. 40 of 2014 was instituted and after investigation police submitted the final form. Thereafter, the protest petition filed by the complainant treated as Complaint Case No. 234 of 2014, in which, the petitioners have been summoned, on enquiry, finding prima face case, under Sections 302, 328, 201 and 120/34 of the Indian Penal Code.

Having regard to the facts and circumstances of the case, let the above named petitioners be released on bail, in the event of their 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) each with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate-II, Banka, in connection with Complaint Case No.



235 of 2015, subject to the condition as laid down under Section
438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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