

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9644 of 2018

Arising Out of PS.Case No. -200 Year- 2017 Thana -KHARIK District- BHAGALPUR

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Kishan Mandal

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha

For the Opposite Party/s : Mr. Sri Panchanand Pandit

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 17-02-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered for the offence punishable under Sections-304B, 201/34 of the Indian Penal Code.

The prosecution case got initiated with the written report of Ganesh Mandal dated 07-10-2017 submitted to SHO, Kharik Police Station, to the effect that daughter of the informant namely, Fuhiya Devi was married with Chhitan Mahto. Subsequently, she was blessed with a son. It is further alleged that on 13-06-2016 informant's daughter alongwith her son, was kidnapped by Guddu Mandal. After recovery, daughter of the informant stated before the court that she wants to live with Guddu Mandal and she was handed over to the Kabli Devi, mother of



Guddu Mandal. Subsequently, both got married and a daughter was born. On 06-10-2017 at 11.00 a.m. the co-villager Kailash Mandal informed the informant that his daughter has been killed by in-laws. Thereafter, the informant went to the house of Guddu Mandal and found no one present there. The informant also found the petitioner being maternal uncle of Guddu Mandal alongwith others missing. Hence accusation has been levelled against the petitioner.

It is submitted on behalf of the petitioner that from the accusation levelled in the first information report, it appears that marriage of the daughter of the informant with Guddu Mandal is still in doubt as there is nothing on record to suggest that any divorce took place between the daughter of the informant and her first husband Chhitan Mandal and if the marriage with Guddu Mandal is in doubt, then no case under Section-304B of the Indian Penal Code is made out. Moreover, the petitioner being maternal uncle of Guddu has no role to play nor he was named in earlier kidnapping case lodged against Guddu Mandal. Moreover, mother of Guddu Mandal namely, Kabli Devi has been granted anticipatory bail by a coordinate bench of this court vide order dated 12-02-2018 passed in Cr. Misc. No. 2825 of 2018.

Considering the fact that the specific accusation is



against Guddu Mandal, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Naugachia, Bhagalpur in connection with Kharik P.S. Case No. 200 of 2017, subject to the conditions as laid down under Section-438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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