

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7388 of 2019

Arising Out of PS. Case No.-78 Year-2018 Thana- KHUTAUNA District- Madhubani

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Vidyanand Mandal @ Vidyanand, aged about 23 years (Male), Son of Late Umedi Mandal, Resident of Village- Durgipatti, P.S.- Khutauna, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar and ANR Bihar
2. Sumita Devi, Wife of Binod Mandal Resident of Village- Durgipatti, P.S.- Khutauna, District- Madhubani.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Gagan Deo Yadav
For the Opposite Party/s : Mr.Sangeeta Sharma

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 08-02-2019 Heard learned counsels for the petitioner and the State.

The petitioner, being the brother of the husband of the informant, is apprehending arrest in a case registered for the offences punishable under Sections 342, 323, 307 and 498A/34 of the IPC.

The prosecution case, as per the fardbeyan of Sumita Devi, recorded by A.S.I., Shaket Bihari Singh, on 24.06.2018 at Primary Health Centre, Babubarhi is to the effect that on 23.06.2018 at about 7 P.M., all the accused persons including the petitioner, in order to take the informant to Kolkata for the purpose of treatment, assaulted her when cousin mother-in-law,



Madhu Devi tried to throttle her, consequently, when she fell down, then the petitioner assaulted twice with Dabia (a sharp cutting weapon), causing injury on the head of the informant. It is further alleged that the alleged offence has been committed due to non-fulfillment of the further dowry demand.

It is submitted by learned counsel for the petitioner that though the petitioner is alleged to have assaulted the informant with dabiya twice, but the informant has received only one incised injury, which has been found to be of marginal size simple in nature. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that accusation against the petitioner is specific.

Considering the nature of injury, being found simple in nature, coupled with the statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, on deposit of Rs. 5,000/-, let the above named petitioner be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to



the satisfaction of learned ACJM-III, Jhanjharpur, Madhubani in connection with Khutauna P.S. Case No. 78 of 2018, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

The aforesaid payment will be released by the learned Court below in favour of the informant as medical assistance.

(Dinesh Kumar Singh, J)

Amrendra/-

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