

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14391 of 2019

Arising Out of PS. Case No.-754 Year-2018 Thana- KATIHAR District- Katihar

-
1. PANKAJ KUMAR MANDAL, Son of Jagdish Pd. Mandal @ Jagdish Mandal Resident of Village - Naya Tola Milki, P.S.- Barari, Distt. Katihar.
 2. Ranjit Mandal Son of Late Sheetal Mandal Resident of Village - Chandpur Moresanda, P.S.- Kursella, Distt.- Katihar.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Khushboo Kumari, daughter of Late Ganesh Sah, wife of Pankaj Kumar Mandal, resident of village Durga Asthan, Ward 21, P.S. Katihar Town, District Katihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Jitendra Kumar Pandey,Adv
For OP No. 2	:	Mr.Sanjeev Kumar Singh, Adv
For the State	:	APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 02-05-2019 Heard the learned counsel for the petitioners and
learned APP.

2. The petitioners apprehends their arrest for the alleged offences under Sections 354(B)/354/34 of the Indian Penal Code registered in connection with Katihar Town P.S. Case No. 754 of 2018.

3. It is submitted that the petitioners have been falsely implicated and the nature of the accusations by the informant, who is none other than the wife of the petitioner no. 1, and petitioner no. 2 is the brother-in-law of petitioner no. 1, are improbable. It is submitted that the informant and the petitioner



no. 1 solemnised marriage as evident from the joint affidavit dated 09.07.2010 (Annexure-2). The fact of such marriage is supported from the Voter ID Card of the opposite party no. 2 (Annexure-4). Further, the Mukhiya of Gram Panchayat Raj, West Bari Nagar, Block Barari, District Katihar has also given certificate dated 05.07.2018 (Annexure-5) to the effect that the parties were married in Durga Asthan temple, Katihar. It is submitted that the present complaint has been filed in retaliation to Complaint Case No. 1504 of 2018 filed on 12.07.2018 by the petitioner no. 1 against his wife Khushboo Kumari and other persons in which he has made allegations of illicit relationship between the opposite party no. 2 and accused no. 6 in his said complaint.

4. Learned counsel for the OP No. 2 opposes the anticipatory bail petition, submitting that the signature of the opposite party no. 2 has been forged on the affidavit dated 09.07.2010 (Annexure-2) as evident from a comparison with her signature on the present complaint. No counter affidavit has been filed on behalf of the opposite party no. 2.

5. Be that as it may, the provisional bail granted to the petitioners by order dated 08.03.2019 pending in the Court of CJM, Katihar in connection with Katihar Nagar P.S. Case No. 754/2018 is hereby confirmed, subject to the following further conditions --

(i) That the petitioner shall produce the affidavit dated



09.07.2010 (Annexure-2) as well as the certificate dated 05.07.2018 (Annexure-5) of the Mukhiya in original before the learned Court below within a period of four weeks, genuineness of which along with the Voter ID Card of the OP No. 2 (Annexure-4) shall be verified by learned Court below, preferably within a further period of twelve weeks after furnishing bail bonds. In case the same are not found verifiable their bail bonds shall stand automatically cancelled.

(Vikash Jain, J)

Chandran/-

U		T	
---	--	---	--

