

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27527 of 2019

Arising Out of PS. Case No.-15 Year-2019 Thana- MAHILA P.S. District- Bhagalpur

1. Nakul Mandal @ Nakul Pr. Mandal, aged about 50 years, Male, Son of Prasadi Mandal, Resident of Mohalla- Asanandpur, Shitla Ashthan Colony Parwatti, P.S.- Tatarpur, District- Bhagalpur.
2. Khushbu Kumari, aged about 28 years, Female, Wife of Upendra Mandal Resident of Mohalla- Asanandpur, Shitla Ashthan Colony Parwatti, P.S.- Tatarpur, District- Bhagalpur.
3. Pushplata Devi, aged about 46 years, Female, Wife of Nakul Mandal @ Nakul Pr. Mandal, Resident of Mohalla- Asanandpur, Shitla Ashthan Colony Parwatti, P.S.- Tatarpur, District- Bhagalpur.
4. Rajesh Kumar @ Rajesh Kumar Bharti, aged about 22 years, Male, Son of Nakul Mandal @ Nakul Pr. Mandal Resident of Mohalla- Asanandpur, Shitla Ashthan Colony Parwatti, P.S.- Tatarpur, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Jha
For the Opposite Party/s : Mr.Rajiv Nayan

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 26-04-2019 Learned counsel for the petitioners is permitted to correct the name of the police station in para 4 of the bail petition during the course of the day.

Heard both sides.

Petitioners apprehend their arrest in Bhagalpur Mahila P.S. Case No.15 of 2019, registered under Sections 313, 376 and 34 of the Indian Penal Code.

The prosecutrix in sum and substance alleged that Bipin Kumar Mandal, Son of Nakul Mandal is brother-in-law of



her brother and as such he used to come to her house. Bipin Kumar Mandal established physical relation with her on the pretext of marriage and she twice became pregnant but her pregnancy was aborted. When the informant complaint to the father, mother, daughter and other family members of Bipin Kumar Mandal against Bipin Kumar Mandal they poisoned her and for that she was admitted to JLNMCH, Bhagalpur on 21.12.2018 and discharged on 24.12.2018.

Learned counsel for the petitioners submits that the informant was discharged on 24.12.2018 but she made her statement before the S.H.O. of Mahila Police Station, Bhagalpur on 01.03.2019. It is further submitted that she was admitted in the hospital on complaint of being poisoned on 21.12.2018 but she was discharged on 24.12.2018. The doctor did not find any case of poisoning as from the medical report everything was found normal and the patient was referred to Psychiatric Department of JLNMCH, Bhagalpur but it appears that the informant did not get her treatment in the Psychiatric Department of the Medical College and Hospital. The victim-informant did not even lodge the case at the time of her admission or even after her discharge on 24.12.2018. She lodged the case only after two months from the date of her



discharge. It is further submitted that the petitioners are father, mother, brother and sister of Bipin Kumar Mandal and they have no manner of concern with the activities of Bipin Kumar Mandal. On the face of the allegations, it appears that the victim was a major girl and she with her free will was cohabiting with Bipin Kumar Mandal.

Considering the facts aforesaid and nature of allegations made against the petitioners and the fact that the petitioners are father, mother, sister and brother of Bipin Kumar Mandal, let petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt of this order, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Bhagalpur in connection with Bhagalpur Mahila P.S. Case No.15 of 2019, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Prabhat Kumar Jha, J)

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