

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30839 of 2019**

Arising Out of PS. Case No.-62 Year-2019 Thana- MURLIGANJ District- Madhepura

Binod Kumar Mandal @ Binod Mandal, aged about 50 years (Male), Son of
Surya Narayan Mandal, Resident of Village - Jairampur, Ward No.15, P.S.-
Murliganj, Dist.- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

4 10-07-2019 Heard learned counsel for the parties.

The petitioner seeks bail in connection with Murliganj
P.S. Case No. 62 of 2019 registered under Sections 363, 364 of
the Indian Penal Code.

The prosecution case in brief is that the informant
Basudeo Mandal gave a written petition before the police
alleging that on 15.02.2019 at 5:00 A.M. his son-in-law Binod
Kumar Mandal dropped his maternal grand daughter namely
Sweety Kumari aged about one year to his house. Thereafter, the
informant went to marital house of his daughter, namely,
Rambha Devi aged about 30 years at Murliganj and asked his
son-in-law about his daughter but he replied that he does not
know regarding her and he began to abuse and assault the



informant. The informant further alleged that he also made enquiry about his daughter with the persons living in neighbourhood and the other villagers but he could not get her trace. He further alleged that previously his son-in-law used to assault his daughter for demand of dowry and he also had attempted to kill his daughter several times for which case has also been registered against him in the court and after few months of that his son-in-law somehow convinced his daughter Rambha Devi and took her to his house at Jayrampur, Murliganj and began to keep her there. He further submitted that his daughter had given birth to three children, namely, Rakhi Kumari aged about seven years, Rajnandani Kumari aged about three years and Sweety Kumari aged about one year. The informant further alleged that his daughter has been kidnapped and murdered now. He also has mentioned in the petition that he got a bit late in giving this petition to police as he was searching his daughter. On the basis of above petition, the police had registered P.S. Case No. 62 of 2019 dated 18.02.2019 against the accused petitioner Binod Mandal.

The occurrence had took place on 14.02.2019 but the F.I.R. was lodged on 18.02.2019. There is no eye witness to the occurrence.



In the case diary, no one has supported the alleged occurrence against the petitioner rather it also appears from paragraph-41 of the case diary that the I.O. of the case has recorded the statements of two independent witnesses who in their statements have stated that the victim Rambha Devi, who is the wife of the accused used to visit Katihar with one Sunil Mandal for purchasing goods for her Manihar shop and due to which the husband and the wife used to fight regularly with each other.

They have further stated that on the date of incident i.e. 13.02.2019, Sunil Mandal visited the house of Rambha Devi and from the next day since Rambha Devi is missing and Sunil Mandal has also went missing from his house. The petitioner is in jail custody since 19.02.2019.

In the facts and circumstances of the case, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Madhepura in connection with Murliganj P.S. Case No. 62 of 2019, subject to the following conditions :

(1) One of the bailors would be close relative of the petitioner having sufficient immovable properties, who will file



an affidavit stating his relationship with the petitioner.

(2) The petitioner will appear before the learned Court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(3) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned Court below for cancellation of his bail bonds.

(Anjani Kumar Sharan, J)

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