

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60036 of 2019

Arising Out of PS. Case No.-74 Year-2018 Thana- ANTICHAK District- Bhagalpur

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PRAKASH MANDAL, aged about 53 years, Male, S/o Gopal Mandal, R/o village- Oriyap, P.S.- Antichak, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Bhagwat Modi, aged about 60 years, Male, S/o Late Ram Modi, R/o village- Birnaudh, P.S.- Goradih, District- Bhagalpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Deepak Kumar Sinha, Advocate
For the State	:	Dr. Mrityunjaya Kr. Gautam, APP
For the Informant	:	Mr. S.M. Ashraf, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 26-09-2019 Heard both sides.

The petitioner apprehends his arrest in Antichak P.S. Case No.74 of 2018, registered under Sections 498A and 34 of the Indian Penal Code as well as under Sections 3 and 4 of the Dowry Prohibition Act.

The informant alleged that the husband, mother-in-law and others subjected his daughter to all sorts of torture and drove her out from the house on 27.09.2018 after assaulting and snatching all her belongings.

Learned counsel for the petitioner submits that the petitioner is not the family member of the husband of the daughter of the informant. Only allegation made against the petitioner is that the petitioner used to instigate the husband of the daughter of the



informant and her other in-laws but admittedly the petitioner is not the family member of the husband of the daughter of the informant.

Learned counsel for the informant however, opposed the prayer for anticipatory bail of the petitioner but could not be able to show the involvement of the petitioner in instigating the family members of the husband of the daughter of the informant to constitute an offence under Section 498A of the Indian Penal Code.

Taking into consideration the facts and nature of allegations made against the petitioner and the fact that the petitioner is not the family member of the husband of the daughter of the informant, let petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt of the order, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Antichak in connection with Punaura P.S. Case No.74 of 2018, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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