

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15042 of 2020

Arising Out of PS. Case No.-587 Year-2019 Thana- KISHANGANJ District- Kishanganj

1. Madhu Mandal @ Madhu Sudan Mandal Son of Upendra Mandal Resident of Village - Mahabirmarg, Ward no. 26, P.S. and District - Kishanganj.
2. Rani Mandal Wife of Mithlesh Mandal @ Mithilesh Kumar Mandal Resident of Village - Mahabirmarg, Ward no. 26, P.S. and District - Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar
For the Opposite Party/s : Mr.Jagdhar Prasad

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3. 01-09-2020 Heard learned counsel for the parties through video conferencing.

The petitioners apprehend their arrest in Kishanganj P.S. Case No. 587 of 2019 registered for the offence under Sections 302, 120(B) of the Indian Penal Code.

As per FIR, the daughter of the informant was married with petitioner no. 1 eight years ago. It is alleged that 1½ months ago, petitioner no. 1 has forcefully taken away his wife (informant's daughter) from informant's house. It is further alleged that on 09-12-2019, the informant received a call from petitioner no. 1 that informant's daughter has died and to ascertain the fact, when informant reached the matrimonial



house of his daughter, he saw that his daughter was lying dead and the door of the house was opened.

It is submitted on behalf of petitioners that petitioners are innocent and have committed no offence and they have falsely been implicated in this case. Petitioner no. 1 is husband of the deceased, whereas, petitioner no. 2 is elder sister-in-law (भाभी) of the deceased and she has got no concern with the marital affairs of deceased. It is further submitted that deceased has herself committed suicide, since she was under-pressure after miscarriage of her child. It is further submitted that as per *post-mortem* report, the deceased died due to asphyxia and shock, as a result of hanging. It is also submitted that after investigation, the police has found the case true under Section 306/34 of the Indian Penal Code against petitioners.

However, considering the fact that petitioner no. 1 is husband of the deceased, I am not inclined to extend the privilege of anticipatory bail to him and as such, the anticipatory bail application, so far as petitioner no. 1 namely Madhu Mandal is concerned, stands rejected. So far as petitioner no. 2 is concerned, since there is no specific allegation against her, the anticipatory bail in respect of petitioner no.2 is allowed.

Accordingly, in the event of arrest or surrender within



a period of eight weeks from the date of receipt/production of copy of this order, let petitioner no. 2 namely Rani Mandal be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Kishanganj in connection with Kishanganj P.S. Case No. 587 of 2019, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Prabhat Kumar Singh, J.)

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