

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19805 of 2020

Arising Out of PS. Case No.-104 Year-2019 Thana- TATARPUR District- Bhagalpur

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GOPAL KUMAR MANDAL Son of Dinesh Mandal Resident of Village -
Companybaag Tatarpur (Vishwavidyalaya), Dist.- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Chandrakala Devi W/o Gopal Kumar Mandal, D/o Sri Radharaman Mandal
Resident of Village - Purani Sarai, P.S.- Nathnagar, Distt.- Bhagalpur.

... .. Opposite Parties.

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Appearance :

For the Petitioner/s	:	Mr. Ranjan Kumar Jha, Advocate.
For the Opposite Party/s	:	Mr. Dilip Kumar No.1, APP
For the O.P. No.	:	Mr. Sushil Kumar Gupta, Advocate.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 17-12-2020 Heard learned counsel for the petitioner, learned
counsel for the opposite party no.2 and learned A.P.P. for the
State through virtual Court proceedings.

The petitioner apprehends his arrest in a case registered
for the offences punishable under Sections 341, 323, 328 &
498A/34 of the Indian Penal Code and Section 3/4 of the Dowry
Prohibition Act.

The petitioner in association of his family members
are said to have assaulted and tortured the informant and the
petitioner has poured poison on her mouth on non-fulfillment of
demand of dowry.

It is submitted by learned counsel for the



petitioner that no such occurrence as alleged ever took place. He has been falsely implicated in this case. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. He has no criminal antecedent.

Learned counsel for the petitioner submits that the petitioner is ready to keep the informant/opposite party no.2 with him as wife with full honour and dignity.

Learned counsel for the opposite party no.2 submits that the informant is ready to live with the petitioner.

However, both sides agree to appear before the learned Court below on 19th of January, 2021 when the petitioner will take the informant/opposite party no.2 to her matrimonial house to keep her as wife with full dignity and honour.

Considering the present stand of the parties, let the above named petitioner, be released on provisional anticipatory bail for two months, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., Bhagalpur in connection with Tatarpur (Vishwavidyalaya) P.S. Case No. 104



of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

The provisional bail of the petitioner will be confirmed by the learned Court below in three eventualities (I) if the matrimonial harmony is substantially restored, or (ii) if the informant fails to appear before the learned Court below, or (iii) if the informant gets reluctant to reconcile the issue.

The provisional bail of the petitioner will not be confirmed if the petitioner fails to comply the undertaking given before this Court to take the informant to her matrimonial house to keep her as wife with full dignity and honour.

The petitioner is also directed to file a petition before the learned Court below giving undertaking that he will keep the informant with him with full honour and dignity.

(Anjani Kumar Sharan, J)

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