

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 22153 of 2020

Arising Out of Bhagalpur Mahila P.S. Case No- 05 Year- 2020, District- Bhagalpur

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1. MANDODARI DEVI, (female) aged about 50 years, W/o- Yogendra Poddar
 2. YOGENDRA PODDAR, (male) aged about 54 years, S/o- Makeshwar Poddar
 3. SANTOSH KUMAR PODDAR @ SANTOSH PODDAR, (male) aged about 35 years, S/o- Yogendra Poddar
- All are R/o village- Mathura, Sahebganj, P.S.- Belhar , District- Banka
... .. Petitioners

Versus

1. The State of Bihar.

... .. Opposite Party

And

CRIMINAL MISCELLANEOUS No. 22178 of 2020

1. SONI DEVI @ KANCHAN DEVI, (female) aged about 32 years, W/o- Santosh Kumar Poddar @ Santosh Poddar
 2. MAMTA DEVI @ MANT DEVI, (female) aged about 28 years, W/o- Manoj Kumar Poddar @ Manoj Poddar
- Both Petitioners No. 1 and 2 are R/o village- Mathura Sahebganj, P.S.- Belhar, District.- Banka
3. TUNTUN PODDAR, (male) aged about 43 years, S/o- Vishndev Poddar
 4. KALPANA DEVI, (female) aged about 35 years, W/o- Tuntun Poddar
- All are R/o village- Mathura, Sahebganj, P.S.- Belhar , District- Banka
Both Petitioners No. 3 and 4 are R/o village- Sajour, P.S. Sajour, District- Bhagalpur

... .. Petitioners

Versus

1. The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioners

: Mr.Bhola Prasad, Advocate

For the Opposite Party in Cr. Misc. 22153 of 2020: Mr.Rana Randhir Singh, APP

For the Opposite Party in Cr. Misc. 22178 of 2020: Mr.Kumar Ranjeet Ranjan, APP

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 17-08-2020

Heard Mr. Bhola Prasad, learned counsel appearing



on behalf of the petitioners and Mr. Rana Randhir Singh and Mr. Kumar Ranjeet Ranjan, learned Additional Public Prosecutor, for the State of Bihar.

Both the cases for grant of anticipatory bail arises out of same Bhagalpur Mahila P.S. Case No. 05 of 2020 registered for the offence punishable under Sections 323, 341, 354, 498 (A), 504, 506/34 of the Indian Penal Code, Section 3/4 of the Dowry Prohibition Act and Section 3/4 of the Dayan Act. This is the reason why both the cases have been heard together and are being disposed of by present common order.

The informant was married to Mithilesh Kumar, who is the son of petitioner no. 1 and 2 in Cr. Misc. No. 22153 of 2020. Petitioner no. 3 of the said case is the elder brother of the informant's husband. Petitioners of Cr. Misc. No. 22178 of 2020 are related to the informant's husband. There is allegation against all the persons named in the F.I.R. of having demanded dowry, tortured the informant and called her a *dayan* (witch).

Learned counsel for the petitioners has submitted that because of matrimonial dispute between the informant and her husband, all the family members of Mithilesh Kumar have been implicated in false criminal case. He has further argued that there is no chance of the petitioners, tampering with the



evidence or fleeing from the course of investigation or trial, if allowed bail.

Considering the above noted facts and submissions made on behalf of the petitioners, these applications are allowed.

Let the petitioners above named, in the event of their arrest/surrender within six weeks from today in the Court below, 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 the learned S.D.J.M., Bhagalpur in connection with Bhagalpur Mahila P.S. Case No. 05 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the Police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

It is indicated that defect, if any, shall be shall be removed within two months.

Since there is a lockdown, the Court has considered it appropriate to adopt following procedure for communication of



the present order:-

(i) The order, which has been dictated during the course of the proceedings of virtual Court, shall be communicated to me on my e-mail I.D. by the Secretary.

(ii) The corrected copy of the order shall be transmitted by me from my e-mail I.D. to the Secretary, which shall be treated to be the authentic copy of the order passed by this Court today in the present proceeding.

(iii) Hard copy of the order, duly signed by me, shall be preserved in my residential office for documentation and future use, if any.

(iv) Let a copy of the order be communicated to the learned court below through e-mail or any other appropriate electronic mode by the Registry.

Let steps be taken by the Registry for uploading of the present order without compromising with the norms of social-distancing.

(Chakradhari Sharan Singh, J)

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