

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 39228 of 2020**

Arising Out of PS. Case No.-38 Year-2016 Thana- MAHILA P.S. District- Banka

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PANCHAM MANDAL SON OF UDHO MANDAL RESIDENT OF
VILLAGE - KASTIKARI, P.S. - SHAMBHUGANJ, DISTRICT - BANKA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr Brij Nandad Prasad, Advocate

For the Opposite Party/s : Mr Md Matloob Rab, APP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

8 21-06-2021 This case has been taken up for consideration today
through Video Conferencing.

Heard learned counsel for the petitioner and the learned
APP for the State.

The petitioner seeks bail in Banka (Mahila) Police Station
(for brevity, *PS*) Case No 38 of 2016 instituted for the offence
punishable under Sections 498A, 341, 323, 326, 307/34 of
Indian Penal Code (for brevity, *IPC*).

Petitioner, being husband of the informant, is accused and
the allegation is under Section 498A of IPC.

It is submitted by petitioner's counsel that petitioner, his
father, elder brother and mother have all been implicated with
no specific allegations against any individual. The learned



Court below, while rejecting the bail application, has taken note of the material collected in the course of investigation that only superficial burn injury has been found on the informant's body. Petitioner is in custody since 25.06.2020. In Cr Misc No 35037 of 2015, he had been allowed provisional bail by this Court subject to certain conditions but before he could avail benefits of the said order, he had already been arrested and the order had, thus, become infructuous. In the instant proceedings, the order sheet reveals that notice was served upon Opposite Party No 2 long back, i e, on 19.03.2021. Several adjournments, thereafter, have been granted but, till today, Opposite Party No 2 has chosen not to appear.

Learned APP for the State opposed the prayer for bail. It is submitted that the petitioner is husband and the allegations are under Section 498A of IPC.

Considering the aforesaid, let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate IV, Banka in connection with Banka (Mahila) PS Case No 38 of 2016 subject to the following conditions:-

- (i) That one of the bailors will be a close relative of the



petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

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