

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38831 of 2022

Arising Out of PS. Case No.-16 Year-2022 Thana- BHAIKAVSHTHAN District- Madhubani

Raj Kumar Mandal @ Raju Mandal Son of Ugan mandal Resident of Village-
Bhairavsthan, P.S.- Bhairab Asthan, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Saroj Kumar, Advocate

For the Opposite Party/s : Ms. Veena Kumari Jaiswal, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 23-09-2022 Heard learned counsel appearing on behalf of the

petitioner and learned APP appearing on behalf of the State

through virtual Court proceedings.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Bhairab
Asthan P.S. Case No. 16 of 2022 registered for the offence
under Sections 341, 323, 324, 307, 498(A), 504 and 34 of the
Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 23.04.2022.

The allegation against the petitioner, who is the
husband of the informant, to commit cruelty and also to assault
with other co-accused persons/family members, with intention



to cause her death.

Learned counsel appearing on behalf of the petitioner submitted that, admittedly, as per F.I.R., at the time of occurrence, the petitioner, who is the husband, was not available. The allegation against the petitioner is that he has only given an order to his brother, namely, Bambam Kumar, to assault his wife, whereafter, informant was assaulted by '*Dabia*', received head injury. It is also submitted that the said Bambam Kumar has already been granted anticipatory bail by learned Sessions Judge, Madhubani. It is further submitted that matter is compromised, as is apparent from the order dated 28.03.2022 of learned Sessions Judge, Madhubani, where the petitioner further undertakes to keep the informant with all her love and dignity. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, fairly conceded the fact that petitioner was not available at the place of occurrence, as per F.I.R.



In view of the facts and circumstances, as mentioned above, as allegation against the petitioner, who is the husband, is only to give order over telephone coupled with the fact that matter appears to be compromised between the parties, let the petitioner, above named, is directed to be released on bail in connection with Bhairab Asthan P.S. Case No. 16 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Jhanjharpur/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

Ankit/-

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