

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58530 of 2021

Arising Out of PS. Case No.-909 Year-2017 Thana- COMPLAINT CASE District- Banka

1. Naresh Mandal, Son of Late Bhagwan Mandal, R/o Village - Ghanshyamchak, P.S. - Sanjoula, District - Bhagalpur, (Bihar).
2. Manoj Kumar @ Manoj Mandal, Son of Naresh Mandal, R/o Village - Ghanshyamchak, P.S. - Sanjoula, District - Bhagalpur, (Bihar).

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Ramswarup Mandal, Son of Late Fulo Mandal, Resident of Village - Pathaki, P.S. - Amarpur, District - Banka, (Bihar).

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Apurva Kumar, Advocate
For the Opposite Party/s : Mr.Jagdhara Prasad, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 01-06-2022 Heard learned counsel for the petitioners and the learned APP for the State.

The petitioners are apprehending their arrest in connection with Complaint Case No.909 of 2017 registered for the offence punishable under Sections 498A and 323 of the Indian Penal Code.

Petitioner No.1 is the father-in-law and Petitioner No.2 is *Devar* of the informant.

The complaint has been lodged for alleged offences under Section 498A and 323 of the Indian Penal Code by the informant against the family members, excluding the husband. It



is alleged that they have tried to usurp the informant's husband's share during partition of the joint family property.

The petitioners' counsel submits that from the nature of allegations, it is manifest that prosecution case is based on extraneous considerations and being dissatisfied with the partition which has taken place prior to lodging of the complaint case, so as to coerce her in own terms, the informant has lodged the instant case against the family members, excluding the husband.

Learned APP for the State has opposed the prayer for anticipatory bail.

Having regard to the submissions advanced by the petitioners' counsel and taking note of the fact that the family members have been made accused, excluding the husband, keeping the background the recent partition as also fair antecedents of the petitioners, this Court is inclined to allow petitioners' prayer for grant of anticipatory bail.

Accordingly, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of



learned S.D.J.M., Banka (Bihar), in connection with Complaint
Case No.909 of 2017, subject to the following conditions:

(i) That one of the bailors
of each of the petitioners will be a
close relative of the petitioners who
will give an affidavit giving genealogy
as to how he is related with the
petitioners concerned. The bailors will
also undertake to inform the court if
there is any change in the address of
the petitioners.

(ii) That the petitioners will
be well represented on each date and if
they fail to do so on two consecutive
dates, their bail bonds will be liable to
be cancelled.

This Court would expect that the petitioners' counsel
would honour his undertaking in the instant proceedings
regarding supply of the requisite court fee etc. within two weeks
from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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