

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8975 of 2023

Arising Out of PS. Case No.-2426 Year-2019 Thana- PURNIA COMPLAINT CASE District-
Purnia

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SIKEN MANDAL @ SIKENDAR MANDAL S/O MAHESH MANDAL
Resident of village- Bhatotar, Ward No.- 10, P.O.- Bhatotar, P.S.- Barhara
Kothi, District- Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar
2. SONI DEVI D/O YOGENDRA MANDAL, W/O SIKEN @ SIKENDRA
MANDAL Resident of village- Koshi Sharan Devottar, P.S.- Banmankhi,
District- Purnea.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Jitendra Kumar Pandey, Advocate
For the Opposite Party/s : Mr.Anil Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 09-10-2023 Heard Mr.Jitendra Kumar Pandey, learned counsel

for the petitioner, learned counsel for the complainant and

Anil Kumar, learned Additional Public Prosecutor for the

State.

2. The petitioner is apprehending his arrest in
connection with C.A. No.2426 of 2019 registered for the
offences punishable under Section 498(A) of IPC.

3. Allegation against the petitioner and other co-
accused persons is of committing torture upon the victim due
to non-fulfillment of demand of dowry.

4. Learned counsel for the petitioner submits that



petitioner has clean antecedent. He has falsely been implicated in the present case. The allegation as alleged in the complaint petition is false and fabricated and the petitioner has not committed any offence as alleged in the complaint petition. Further submits that from a bare perusal of the complaint petition as well as the statement of the victim which was recorded under Section 200 of Cr.P.C. which suggests that the complainant is living with her inlaws and she wants to live with her husband. Learned counsel for the petitioner submits that it appears from the impugned order that the mediation between the parties has failed before the learned court below itself and the complainant is not ready to live with the inlaws' house and the petitioner is not in a position to live with the complainant at the place of his job.

5. Learned counsel for the complainant as well as the learned APP for the State, on the other hand, have vehemently opposed the prayer for anticipatory bail of the petitioner and submits that the complainant is still ready to live with the petitioner, who is husband of the complainant, but the petitioner wants to live with the complainant in his inlaws.

6. Considering the aforesaid facts, let the petitioner,



above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 learned Chief Judicial Magistrate, Purnea in connection with C.A. No.2426 of 2019 , subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(I) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bonds shall be cancelled by the Court below.

(II) If the petitioner tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his/her criminal antecedents, the court below shall take step



for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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