

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27767 of 2022

Arising Out of PS. Case No.-547 Year-2019 Thana- KATIHAR COMPLAINT CASE
District- Katihar

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MANOJ KUMAR MANDAL S/o- Late Subol chandra mandal R/o- Panchu
Tola, P.S.- Manikchand, Distt.- Malad (W.B.)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rita Kumari @ Rita Mandal W/o- Manoj Kr. mandal, D/o- Girish Mandal
R/o- Indira Nagar, Lalyahi, P.S.- Sahayak, Distt.- Katihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Singh, Advocate

For the Opposite Party/s : Mr.Pushpa Sinha.1, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 07-02-2023 Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in connection with Complaint Case No. 547 of 2019 for the offence registered under Sections 498A and 494 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

As per the prosecution story, the lady was married to the petitioner, Railway Employee and in course of time, the couple was blessed with a daughter and a son, she was regularly harassed and lately she came to know that he has solemnized another marriage whereafter she had no option but to stay at her parents house. Accordingly, the FIR has been lodged.

Learned counsel for the petitioner submits that he



wanted an amicable settlement but failed and considering that the lady is still his legally wedded wife and blessed with two child, he on its own would like to extend financial assistance of Rs. 10,000/- to be paid every month by 28th of that month if the account number of the lady is provided by the learned counsel for the informant failing which he shall be depositing in the 'NAZARAT' of the concerned Court through Demand Draft o be released to informant after checking the credentials.

Learned counsel for the informant, on the other hand, submits that now beside the present case, the petitioner is in eminent danger of loosing his job as his so-called second wife has also lodged a case under Section 498A of the Indian Penal Code vide FIR No. 61 of 2019.

Considering the fact that the lady is now residing at her '*maika*', cases have been filed, he will have to face the music, this Court is inclined to grant him privilege of anticipatory bail subject to condition as stated above.

In the aforesaid circumstances the petitioner, in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the



learned S.D.J.M., Katihar in connection with Complaint Case No. 547 of 2019 subject to condition as laid down under Section 438(2) of the Cr.P.C. with further conditions :-

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(v) the petitioner shall cooperate in the investigation and make himself available to the police as and when required.

(Rajiv Roy, J)

Jagdish/Neha-

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