

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 36380 of 2023

Arising Out of PS. Case No.-430 Year-2021 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

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VIKRAM MANDAL @ BIKAM MANDAL, Son of Akalu Mandal, Resident
of village - Ranti, P.S. - Rajnagar, Distt. - Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sarita Devi Wife of Vikram Mandal @ Bikam Mandal Resident of village -
Haripur, Dihtol, P.S. - Kaluahi, Distt. - Madhubani

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Md. Shakir Ahmad, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

2 12-09-2023

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of anticipatory bail apprehending his arrest in connection with Complaint Case no. 430 of 2021, registered under section 498A of the Indian Penal Code.

3. As per the prosecution case, the complainant was married to the petitioner about eight years ago. It is stated that at the time of marriage gifts, as described in the complaint, were given along with Rs.5 lacs in cash. However, soon thereafter, the accused person including the petitioner herein started to make a demand of Rs.50,000/- by way of cash and a motorcycle. On non-fulfillment of the same, it is stated that the



accused persons used to beat her up and also stopped giving her food. On 20.6.2021, for non-fulfillment of the demand the accused persons, the complainant states that she was assaulted and forced out of the house. The petitioner entered into a second marriage. Even on an earlier occasion in the year 2014, she had filed a case for torture after which a *Panchayati* had taken place. The police was not ready to register an FIR, thus, the instant complaint.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. Even on an earlier occasion, in the year 2014, the petitioner was falsely implicated, however the case was subsequently withdrawn after compromise. The allegations of torture, demand of dowry and assault are all false and concocted. The allegation of the petitioner's entering into second marriage is also incorrect and it is for this reason that the learned trial Court has took cognizance only under section 498A of the Indian Penal Code. Learned counsel for the petitioner lastly submits that an inadvertent error has been committed in paragraph no.3 of the petition where a statement has been made about the petitioner not having criminal antecedent; on account of the fact that the earlier case had ended in a compromise.



5. The application for anticipatory bail is opposed by learned A.P.P. for the State and learned counsel for the complainant. Learned counsel for the complainant submits that there is direct allegation against this petitioner of demand of dowry, torture, assault and forcing the complainant out of the house. He has also entered into a second marriage.

6. Having heard learned counsel for the parties and taking into consideration the allegation in the complaint and cognizance having been taken by the learned trial Court only under section 498A of the Indian Penal Code, it is directed that the petitioner, above named, in the event of his arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Complaint Case no. 430 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-1st Class, Madhubani.

(Partha Sarthy, J)

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