

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46724 of 2023

Arising Out of PS. Case No.-100 Year-2021 Thana- MADHEPURA COMPALINT CASE
District- Madhepura

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Nunulal Mandal, Son of Late Sukan Mandal, Resident of Village -
Parmanandpur, Ward No. 06, P.O. - Parmanandpur, P.S. - Srinagar, Block -
Kumarkhand, District – Madhepura.

... .. Petitioner

Versus

1. The State of Bihar
2. Most. Champa Kumari, Wife of Late Raj Kishor Mandal, Resident of
Village and P.O. - Parmanandpur, Ward No. 06, P.S. - Srinagar, (OP) Block -
Kumarkhand, District – Madhepura.

... .. Opposite Parties

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Appearance :

For the Petitioner	:	Mr. Virendra Kumar, Advocate Mr. Pranav Kumar, Advocate Ms. Ruchi Acharya, Advocate
For the State	:	Mr. Rabindra Kumar, APP
For the O.P. No. 2	:	Mr. Surya Narayan Yadav, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 06-12-2023 Heard learned counsel for the petitioner, learned

counsel for the complainant-O.P. No. 2 and learned APP for the

State.

2. The petitioner in the present case is seeking pre-
arrest bail in connection with Complaint Case No. 100 of 2021
registered for the offences punishable under Sections 498(A),
354(A)/34 of the Indian Penal Code. He has got no criminal
antecedent.

3. As per the prosecution story, the complainant got
married to the son of the petitioner in the year 2012 and out of
the said wedlock, they have got five children. Unfortunately, the

husband of the complainant died due to illness whereupon the complainant was being tortured by her in-laws for non-fulfillment of demand of dowry. It is alleged that on 10.02.2021, the in-laws took away Rs.25,000/- from her and ousted her from the matrimonial house.

4. Learned counsel for the petitioner submits that the petitioner is the father-in-law of O.P. No. 2. The marriage between the son of the petitioner and O.P. No. 2 took place in the year 2012 and out of the wedlock, they have got five children.

5. It is submitted that unfortunately, the husband of O.P. No. 2 died of illness whereafter O.P. No. 2 has got engaged as 'Anganwadi Sahayika' in the ward and she is working there. Learned counsel submits that the petitioner has executed two sale deeds in favour of his two daughter-in-laws and that is the bone of contention and has given rise to the present case.

6. It is specifically submitted that the petitioner has not executed any sale deed in respect of the share of the O.P. No. 2 in the ancestral properties and in case it is found at any stage that he has executed a sale deed in respect of the properties or shares which would go to O.P. No. 2 and her children, he is ready to cancel the sale deed or otherwise

compensate O.P. No. 2 and her children.

7. Learned counsel for the O.P. No. 2 has opposed this application, however, considering the statements made on behalf of the petitioner that he would undo any sale deed or deed of conveyance in respect of an ancestral property involving share of the O.P. No. 2 and her children, learned counsel for the O.P. No. 2 submits that in such circumstance, the petitioner may be granted privilege of anticipatory bail.

8. Having regard to the facts and circumstances of the case, in view of the submissions made hereinabove on behalf of the petitioner and the same having been agreed upon by the learned counsel for the Opposite Party No. 2, this Court directs that in case of his arrest or surrender within a period of four weeks from today, the petitioner above named be released on bail in connection with Complaint Case No. 100 of 2021 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Madhepura, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

9. And further condition that the petitioner shall abide by the statements made by learned counsel for the petitioner on

instruction and shall take appropriate remedial measures, failing which it will be open for the O.P. No. 2 to take appropriate steps for cancellation of the bail bond of the petitioner.

10. 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 criminal antecedent, 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.

11. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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