

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46781 of 2023

Arising Out of PS. Case No.-357 Year-2020 Thana- FALKA District- Katihar

RAJESH MANDAL S/O BATTAN MANDAL @ BATAN R/O Village- Naya
Tola Mahabala, P.S- Rupoli, Distt.- Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Meena Devi D/O Shiv Shankar Rai R/O Village- Chhohar, P.S- Falka, Distt.-
Katihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Jha, Adv.

For the Opposite Party/s : Mr.Rajesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-08-2023 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with Falka
(Pothia) P.S. Case No. 357 of 2020 registered for the offence
under Sections 323, 406, 494 and 498(A) of the Indian Penal
Code and Section 4 of the D.P. Act.

The informant is subjected to assault and torture
on account of non-fulfillment of demand of dowry made by
the petitioner and others and she has been ousted from the
matrimonial home.

Learned counsel appearing for the petitioner
submits that the petitioner is innocent and has falsely been



implicated in this case. He further submits that the allegation, as alleged in the F.I.R., is false and fabricated and the petitioner has not committed any offence. He further submits that the petitioner happens to be husband of the informant and he has never demanded any dowry in any manner from the informant and her family members nor he has assaulted her in any manner for want of dowry. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 05.01.2023.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries two more cases other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 S.D.J.M., Katihar in connection with Falka (Pothia) P.S. Case No. 357 of 2020 with the following conditions:-

(1) 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 bond shall be canceled by the Court below.

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

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.

(Rajesh Kumar Verma, J)

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