

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53910 of 2023

Arising Out of PS. Case No.-199 Year-2021 Thana- COMPLAINT CASE District- Supaul

SANJAY MANDAL SON OF SHYAMLAL MANDAL RESIDENT OF
VILLAGE - RATANSAR, TOLA - MAJHAULA, P.S. - CHHATAPUR,
DISTRICT – SUPAUL Petitioner/s

Versus

1. THE STATE OF BIHAR, PATNA
2. SUDHA DEVI W/O SRI RAMESH MANDAL R/O VILLAGE-
RATANSAR TOLA, MANJHAULA, P.S.- CHHATAPUR, DISTT.-
SUPAUL(BIHAR).

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Saket Tiwary, Advocate
For the Opposite Party/s : Ms.Rita Verma, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 2 23-08-2023 1. Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.
2. This is an application for grant of anticipatory bail
in connection with Complaint case no. 199C of 2021, in which
cognizance has been taken under Sections 341, 323, 379, 504 of
the Indian Penal Code and Section 3/4 of Prevention of Witch
(Daain) Practice Act, 1999.
3. The allegation is regarding the complainant having
sold *laar* to the co-accused person namely Ranjan Devi, who is
the wife of the petitioner and after some time, when she had
gone to take her money, the said co-accused person namely
Ranjan Devi had told her to come after some time, whereafter
the complainant had again gone to the house of the said Ranjan



Devi but she had refused to give money and when the petitioner i.e. the husband of the said Ranjan Devi had returned from Punjab after few days, he had abused and assaulted the complainant.

4. The learned counsel for the petitioner submits that the petitioner is innocent, he has been falsely implicated in the present case and he is having a clean antecedent. The learned counsel for the petitioner has further submitted that a general and omnibus allegation has been levelled against the petitioner and the fact is that there is no injury report on record of the case, hence a false complaint has been lodged by the complainant and she has not sustained any injury.

5. *Per contra*, the learned APP for the State has vehemently opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that it is the specific case of the petitioner that there is no injury report on record and a false case has been lodged, inasmuch as the complainant has not sustained any injury apart from the fact that the petitioner is having a clean antecedent, I deem it fit and appropriate to admit



the petitioner to the privilege of anticipatory bail.

7. Accordingly, the abovenamed petitioner, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned court of Additional Chief Judicial Magistrate, Vth, Supaul in connection with Complaint case no. 199C of 2021, subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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