

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70555 of 2023

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

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1. Vinod Mandal @ Binod Mandal Son of Nunulal Mandal Residents Of Village Parmanandpur, Ward No. 06, P.O. Parmanandpur, P.S. Srinagar, Block Kumarkhand, Distt - Madhepura
 2. Mannu Mandal, Son of Nunulal Mandal Residents Of Village Parmanandpur, Ward No. 06, P.O. Parmanandpur, P.S. Srinagar, Block Kumarkhand, Distt - Madhepura

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Most. Champa Kumari Wife of Late Raj Kishor Mandal Residents Of Village Parmanandpur, Ward No. 06, P.O. Parmanandpur, P.S. Srinagar, Block Kumarkhand, Distt - Madhepura

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Bishweshwar Ram, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-11-2023 Heard learned counsel for the petitioners as well as
learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Complaint Case No.100 of 2021, Complaint dated 24.02.2021 registered for the offence punishable under Sections 498(A), 354(A)/34 of the IPC.

3. The prosecution case, in short, is that the complainant was married to Raj Kishore Mandal as per Hindu customs, after the marriage the complainant had two daughters and a son and after some time the complainant's brother-in-law



used to pressurize her parents to get a motorcycle as dowry, when she did not get it, she started being physically harassed and during this time her husband died due to illness. After the death of the complainant's husband, the accused started trying to establish an immoral relationship, about which when the complainant complained to her mother-in-law and father-in-law, they also called her a bad person. On 10.02.2021, when the complainant withdrew money from the bank, all the accused started demanding money from her, when she did not give it, they altogether held the bag and made the complainant fall down and started beating her with slaps and forcefully took away a total of Rs 25,000/- from the complainant and beat the complainant along with her children and threw her out of the house. Complainant filed complaint letter no. 100/2021 against the accused and other accused named in the complaint under Section 323, 341, 354 B, 379, 427, 498(A), 504, 506 IPC and Section 3/4 Dowry Harassment Act.

4. Learned counsel for the petitioners submit that petitioners have clean antecedent and have falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioners have not committed any offence as alleged in the



F.I.R. in the complainant has filed the present case for her share in the landed property of the petitioners and the petitioners are brother-in-law of the complainant and after filing of the present complaint petition the father of the petitioners have handed over 1/3rd share of the landed property to the complainant in the presence of 'Mukhiya' on 21.03.2023.

5. Learned APP for the State, on the other hand vehemently opposed the prayer for anticipatory bail of the petitioners.

6. Considering the aforesaid facts, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Madhepura in connection with Complaint Case No.100 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(i) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(ii) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of their anticipatory bail.

(iii) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of anticipatory bail bond of the petitioners. 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)

Prakash Narayan

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