

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41426 of 2024

Arising Out of PS. Case No.-310 Year-2023 Thana- LAUKAHI District- Madhubani

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VIJAY KUMAR MANDAL SON OF BUDHAN MANDAL RESIDENT OF
VILLAGE - KAKAHIYA, P.S. - LAUKAHI, DISTRICT - MADHUBANI

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. KANCHAN DEVI WIFE OF VIJAY KUMAR MANDAL RESIDENT OF
VILLAGE - KAKAHIYA, P.S. - LAUKAHI, DISTRICT - MADHUBANI

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Jitendra Kumar Bharti, Advocate

For the Opposite Party/s : Mr.Ajay Kumar No. 2, APP

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 24-06-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Laukahi
P.S. case No. 310 of 2023 instituted for the offences under
Sections 341, 323, 324, 307, 498A/34 of the Indian Penal Code
as well as 3/4 of the Dowry Prohibition Act.

3. Prosecution case, in short, is that the petitioner
along with other family members tortured the informant
mentally and physically due to non-fulfillment of demand of
dowry. It is specifically alleged that this petitioner gave knife
blow on the head of the informant due to which she sustained
injury on her head.



4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case. Learned counsel further submitted that petitioner neither demanded any dowry nor tortured the informant and the entire story is false and fabricated. Learned counsel further submitted that although there is specific allegation of assault on the head of the informant but the injury sustained by the informant are found to be simple in nature. Learned counsel further submitted that petitioner is ready to keep her wife with full honour and dignity. It has been submitted on behalf of the petitioner that the petitioner is in custody since 01.12.2023 and has no criminal antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner and submitted that this petitioner assaulted on the head of the informant with knife due to which she sustained injuries on her head. Learned APP further submitted that the injuries are found to be simple in nature caused by sharp object which corroborates the prosecution case.

6. Considering the aforesaid facts and circumstances of the case, as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.



7. Let the petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Laukahi P.S. case No. 310 of 2023, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(III) The petitioner shall keep his wife with him in the matrimonial house with full honour and dignity. If he fails to do so, the opposite party no.2 will have liberty to move for cancellation of bail granted to the petitioner.

(Rudra Prakash Mishra, J)

Alok Verma/-

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