

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55242 of 2023

Arising Out of PS. Case No.-157 Year-2022 Thana- BIRAUL District- Darbhanga

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Hemkant Mandal S/O Ugresh Mandal R/O Village- Purandahi, Ps. Hathauri,
Dist. Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sarita Kumari W/O Hemkant Mandal At Present Residing At C/O- Sri Surya Narayan Singh, Village- Jharbriya, Ps. Biraul, Dist. Darbhanga

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Gopal Jha

For the Opposite Party/s : Mr.Kumar Veerendra Narayan

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

5 14-03-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Biraul P.S. Case No. 157 of 2022, corresponding with G.R. No. 308 of 2022, for the offences punishable under Sections 498A, 354B, 379 of the Indian Penal Code.

3. As per the prosecution case, the petitioner and the co-accused persons are alleged to have tortured the informant mentally and physically by saying her *dehati*. It is further alleged that when the informant protested, she was subjected to cruelty in various ways. It is further alleged that her father-in-law had tried to outrage her modesty. It is further alleged that all



the accused persons assaulted the informant and ousted her from the matrimonial home.

4. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. There is general and omnibus allegation against the petitioner. It is further submitted that the petitioner is the husband of the informant. The petitioner neither demanded any dowry nor tortured the informant. The petitioner is ready to keep the informant with full dignity and honour. The petitioner has relied upon the judgment of this Court in the case of ***“Md. Naimul Haque Ansari @ Naimul Haque Ansari & Ors. Vs. The State of Bihar, reported in 2006(3) PLJR 182.”*** Learned counsel has further relied on the judgments in the case of ***Satendra Kumar Antil Vs. Central Bureau of Investigation and Another (2022) 10 SCR 351 and Md. Asfak Alam Vs. The State of Jharkhand & Anr.*** Passed in Criminal Appeal No(s). 2207 of 2023, arising out of Special Leave Petition (CRL.) No. 3433 of 2023. The petitioner has no criminal antecedent as stated in para 3 of the bail petition.

5. Learned APP for the State has vehemently opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts and circumstances



of the case as well as the allegation being general and omnibus against the petitioner, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Darbhanga in connection with Biraul P.S. Case No. 157 of 2022, corresponding with G.R. No. 308 of 2022, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure, with further condition:-

(i) The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to be cancelled.

7. If so advised, either of the parties will be at liberty to make an application before the Court below for referring the matter to the District Mediation Centre for the purpose of reconciliation or one time settlement.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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