

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59206 of 2024

Arising Out of PS. Case No.-234 Year-2022 Thana- DARBHANGA COMPLAINT CASE
District- Darbhanga

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Digo Mandal S/O Late Bhikshan Mandal R/O Village- Rajwa, P.S- Biraul,
Distt.- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kiran Kumari W/O Chandan Kumar Mandal R/O Vilage- Rajwa, P.S- Biraul, Distt.- Darbhanga. At present reside at Singhia, P.S- Singhia, Distt.- Samastipur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prabhat Singh, Advocate
For the Opposite Party/s : Mr. Kumar Ranjit Ranjan, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 05-09-2024 1. Heard learned counsel for the petitioner as well as
learned APP for the State.

2. The petitioner seeks bail in anticipation of his arrest in a case registered for the offences punishable under Sections 341, 323, 279, 498(A) and 594 of the Indian Penal Code in connection with Complaint Case No.234 of 2022.

3. The learned counsel for the petitioner submits that petitioner is a person with clean antecedent and is a senior citizen aged about 69 years. It is next submitted that complainant is daughter-in-law of the informant and alleges that after marriage the accused persons including her husband were torturing her for dowry. It is also alleged that the petitioner being father-in-law entered her room and acted inappropriately.



4. The learned counsel for the petitioner submits that petitioner being father-in-law has been falsely implicated in the instant case with frivolous allegation. It is also submitted that even the learned Magistrate while taking cognizance took cognizance of the offences under Sections 341, 323, 379, 498A and 504 of the IPC, which amply demonstrates that the complainant was not able to make out a case under Section 354 of the IPC.

5. It is further submitted that the date of occurrence is 30.07.2022 and the complaint case came to be instituted on 10.08.2022, after a delay of ten days. It is next submitted that the complainant deliberately instituted a complaint instead of an FIR, as she was aware that had a FIR been instituted then the matter would have been investigated and the falsity of the allegation would have come to the fore. It is next submitted that a person who has remained a person with clean antecedent all throughout his life has been implicated in a criminal case with such frivolous allegation, when his wife, son, grandson are staying with him.

6. The learned APP opposes the anticipatory bail application.

7. Considering the submissions made by the learned



counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, Ist Class, Biraul, Darbhanga in connection with Complaint Case No.234 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

8. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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