

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84501 of 2024

Arising Out of PS. Case No.-1199 Year-2023 Thana- COMPLAINT CASE District- Banka

1. Moni Kumari W/O Sanjeev Kumar, D/O Mukesh Mandal R/O Village- Dumrama, P.S- Amarpur, Distt.- Banka.
2. Mukesh Mandal S/O Hari Mandal R/O Village- Dumrama, P.S- Amarpur, Distt.- Banka.
3. Pinki Devi W/O Mukesh Mandal R/O Village- Dumrama, P.S- Amarpur, Distt.- Banka.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sanjeev Kumar S/O Late Manohar Mandal R/O Village- Bhulani Tola Malmala, P.S- Sajour, Distt.- Bhagalpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ganesh Sharma

For the Opposite Party/s : Mr. Mohammad Sufyan

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 13-12-2024 1. Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Complaint Case No. 1199 of 2023, disclosing offences under Sections 323/348/358/219/379/307/120B of the Indian Penal Code.
3. The prosecution case, as per the complaint petition filed by the complainant, is that on 10.07.2023 at about 02:00 PM, he went to Civil Court, Banka for furnishing bail bond as he was granted anticipatory bail in Criminal



Misc. No. 23263 of 2023 in the First Information Report lodged by the petitioner no. 1, who is the wife of complainant. It has further alleged that the petitioners, along with other co-accused persons, dragged the complainant by holding his shirt and tied cloth around his neck and dragged him from the Court premises to Banka Police Station where he was illegally detained till evening in the police station and was subsequently released after taking his signature on a blank paper.

4. Learned counsel for the petitioners submits that the petitioner no. 1 is wife of the complainant, petitioner no. 2 is father-in-law and petitioner no. 3 is mother-in-law of the complainant. The petitioners have falsely been implicated in the present case has due to the fact that matrimonial dispute is going on between the petitioner no. 1 and the complainant and the petitioner no. 1 has lodged a case against the complainant, in which, he has been granted bail by this Hon'ble Court. He further submits that learned 2nd Additional Sessions Judge, Banka had called for a report from the Banka Police Station regarding the incident and in pursuance thereof, Sub- Inspector of Police, Banka Police Station, submitted



a report (Annexure-2), from which it would be evident that there was exchange of hot words between the complainant and the petitioner no. 1 in front of the Banka Police Station. Upon which, the Police called both the parties in the police station for counselling and after counselling they were asked to go back. The similarly situated co-accused Sunil Mandal has been granted anticipatory bail by this Court in Cr. Misc. No. 64958 of 2024.

5. Having regard to the submissions made on behalf of the parties and taking into consideration the nature of allegation and the report of the Banka Police (Annexure-2) and the fact that similarly situated co-accused person has been granted anticipatory bail by this Court, I am inclined to grant the petitioners privilege of anticipatory bail.
6. This application is, accordingly, allowed.
7. Let the petitioners, above named, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial



Magistrate 1st Class, Banka/Successor Court, Banka, in connection with Complaint Case No. 1199 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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