

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70445 of 2024

Arising Out of PS. Case No.-1113 Year-2023 Thana- COMPLAINT CASE District- Araria

Gobind Mandal @ Govind Mandal Son of Narayan Mandal Resident of Village- Simarbani, P.S- Bhargama, District- Araria (Bihar) at present resident at Vill and P.O.- Ganauli, P.S.- Ghanauli, District- Roopnagar (Ropar) (Punjab).

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sonika Kumari D/o Late Vimal Kishore Mandal and wife of Gobind Mandal @ Govind Mandal At Present Residing at Vill- Shankarapur, P.S.- Farbisganj, District- Araria (Bihar)

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar, Advocate
For the Opposite Party/s : Mr.Chandra Sen Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 22-01-2025 Heard Mr.Rakesh Kumar, learned counsel for the petitioner, learned counsel for the informant and Mr.Chandra Sen Prasad Singh, learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Complaint Case No.1113 of 2023, in which cognizance has been taken on 20.01.2024 under Sections 498(A)/34 of IPC and Section 4 of Dowry Prohibition Act.

3. Allegation against the petitioner and other co-accused persons is of committing torture upon the victim due to non-fulfillment of demand of dowry.



4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. The allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. Learned counsel for the petitioner submits that the petitioner has filed a divorce case bearing HM Act Case No.128 of 2023 before the Principal Judge, Family Court, Roopnagar, Punjab for dissolution of marriage by decree on 13.04.2023 and when the complainant came to know about the aforesaid case that she has filed the present false case against the petitioner on 05.06.2023.

5. Learned counsel for the complainant/informant has opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts, petitioner has clean antecedent and complainant has filed the present case after filing the divorce case by the petitioner, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Araria in connection with Complaint Case No.1113



of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/Section 482(2) of BNSS,2023 and with other following conditions:-

(I) Petitioner 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 his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his/her criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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)

Nitesh/-

U		T	
---	--	---	--

