

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73247 of 2025

Arising Out of PS. Case No.-53 Year-2024 Thana- AMDABAD District- Katihar

1.

Atul Mandal S/o Parhalad Mandal Resident of Village - Bhadu Tola, P.S.- Amdabad, District- Katihar
2.

Sushila Devi W/o Atul Mandal Resident of Village - Bhadu Tola, P.S.- Amdabad, District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Musowir, Advocate

For the Opposite Party/s : Mr. Dilip Kumar No. 1, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

213-11-2025

1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offence punishable under Section 302 and 34 of the Indian Penal Code.

3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and the informant alleges that his daughter was married to Mukesh about eight months back. After marriage, the accused persons tortured her mentally and the victim used to complain. Further, two months back, the victim disclosed that Mukesh is having an illicit relationship. Further, on 17.03.2024, the informant received an information that dead body of his daughter was lying near road



beside a field and the police has sent the body for postmortem, accordingly, he reached the police station and identified the dead body by the clothes as the face of the deceased was smashed, thus, alleges that accused persons killed the victim.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is further submitted that from perusal of the allegation as alleged in the FIR, it would manifest that no allegation of demand of dowry is alleged. It is next submitted that no doubt, the death took place within seven years of marriage but then all deaths are not dowry deaths. It is also submitted that the police after threadbare investigation came to a considered conclusion that petitioners are innocent and, thus, submitted final form exonerating them of the allegation but then the learned Magistrate differing with the police report took cognizance, as such, the petitioners apprehend their arrest. It is submitted that when one investigating agency, after threadbare investigation, came to a considered conclusion that petitioners are innocent, whether it would be prudent for the Court to send the petitioners to jail based on an order of cognizance which came to be taken based on the same police report which exonerated the petitioners of the allegation.



5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

6. Considering the submissions made by the learned counsel for the petitioners, let the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/Successor Court in connection with Amdabad P.S. Case No. 53 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Satyavrat Verma, J)

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