

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48104 of 2015

Arising Out of PS.Case No. -281 Year- 2007 Thana -BHAGALPUR KOTWALI District-
BHAGALPUR

Munmun Ghoshal, Wife of Ajay Kr. Ghoshal, Resident of Mohalla-
Tilkamanjhi, Police Station- Tilkamanjhi, District- Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.386 of 2016

Arising Out of PS.Case No. -281 Year- 2007 Thana -BHAGALPUR KOTWALI District-
BHAGALPUR

Ajay Kumar Ghoshal Son of Late Tara Paddo Ghoshal Resident of Mohalla
- Tilkamanjhi, Police Station - Tilkamanjhi, District - Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.48104 of 2015 with Cr.Misc. No.386 of 2016)

For the Petitioner : Mr. Y.V.Giri, Sr. Advocate.
Mr. Vindhya Keshari Kumar, Sr. Advocate.
Mr. Ajay Mukherjee, Advocate.
For the Opposite Party : Mr. B.Ram(APP)
For the Informant : Mr. Braj Kishore Mishra, Advocate.

CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

3 20-01-2016 Heard learned counsel for the petitioner as well as
learned counsel representing the informant.

Crl. Misc. No. 48104/2015 wherein Munmun Ghoshal is
the petitioner and Crl. Misc. No. 386/2016 wherein Ajay Kumar Ghoshal is
the petitioner commonly originate out of Sessions Trial No.
14/2008/637/2008, arising out Kotwali (Tilkamanjhi) P.S Case No.
281/2007, have been taken together and are being disposed by a

common.

Both the petitioners along with others were convicted and sentenced for an offence punishable under section 304 (B) of the Indian Penal Code along with other ancillary sections of the Penal Code as well as Dowry Prohibition Act and for which they were accordingly sentenced vide judgment of conviction and sentence dated 09.04.2015 by 4th Additional Sessions Judge, Bhagalpur against which Criminal Appeal No. 230/2015, 232/2015, 243/2015, 275/2015 and 277/2015 were filed, which were disposed of vide judgment dated 28.08.2015 by this Bench concluding and holding on account of some sort of deficiency persisting on the record that the judgment of conviction and sentence recorded by the learned lower Court was not at all sustainable and on account thereof, after setting aside the judgment impugned, the matter was remitted back to the learned lower Court to proceed afresh in accordance with law, in terms of observations made therein.

After hearing the rival parties, it is apparent that while these two petitioners are under custody, the others who are their family members are still evading their presence, which ought not.

At an earlier occasion, while prayer for bail made on behalf of petitioner Ajay Kumar Ghoshal was moved under CrI. Misc. No. 48080/2015, the same was rejected taking into account

the submissions made on behalf of petitioner being detrimental to system. Now, as the learned counsel for the petitioner has shown regret on that very score, therefore the finding so recorded in the aforesaid order dated 03.12.2015 is being recalled.

Admittedly, both the petitioners were availing the privilege of bail during course of trial. After conviction and sentence, their status changed being a convict which, on account of setting aside the judgment impugned, at least permitted the petitioners to stand on same pedestal at which they were, during course of trial. Consequent thereupon petitioners Ajay Kumar Ghoshal as well as Munmun Ghoshal, each are directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten thousand) with two sureties of the like amount each to the satisfaction of 4th Additional Sessions Judge, Bhagalpur in connection with Sessions Trial No. 14/2008/637/2008, arising out Kotwali (Tilkamanjhi) P.S. Case No.281/2007.

At the same breath, it is expected that presence of other co-accused will be before the learned lower Court without any delay so that the trial of the case should commence afresh as held and directed.

(Aditya Kumar Trivedi, J)

Amit/-

U			
---	--	--	--