

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21282 of 2016

Arising Out of PS.Case No. -61 Year- 2016 Thana -DHURAIYA District- BANKA

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1. Sargun Mandal S/o Siro Mandal
2. Arvind Mandal @ Arvind S/o Siro Mandal
3. Dhanshi Devi W/o Siro Mandal
4. Labri Devi W/o Arvind Mandal @ Arvind
5. Siro Mandal S/o late Dukhan Mandal
All resident of Villge- Birania , PS Dhoraiya, District Banka,
..... Petitioner/s

Versus

The State of Bihar

..... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Ajay Mukherjee, Advocate.

For the Opposite Party/s : Mr. U.S. Pd. Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 26-09-2016 Heard both sides.

The petitioners, namely, Sargun Mandal, Arvind Mandal @ Arvind, Dhanshi Devi, Labri Devi and Siro Mandal, apprehend their arrest in Dhoraiya P.S. Case No. 61/2016 registered under Sections 328, 304/34 of the Indian Penal Code.

The father of the deceased alleged that his daughter was married to petitioner no. 1 Sargun Mandal about 25 years ago. He got information that his daughter died. The informant came and found the dead body of his daughter. The informant suspected that the accused persons, the husband and other family members might have killed his daughter by poisoning her.

Sri Ajay Mukherjee, learned counsel for the



petitioners, submits that there is admittedly no evidence. The marriage of the deceased was solemnized with the petitioner no. 1 about 25 years ago. The daughters of the deceased in Para 54 and 55 of the case diary stated that her father had gone to brick-kiln for manufacturing of bricks. The mother all alone stayed at the house and when she returned, she found her mother dead and lying on a cot. There is no material against the petitioners no. 2 to 5, who are in-laws of the deceased.

It appears that the daughters of the deceased saw that their father was quarreling with their mother on account of partition of family property.

Taking into consideration the facts aforesaid and the fact that petitioners no. 2 to 5, Arvind Mandal @ Arvind, Dhanshi Devi, Labri Devi and Siro Mandal, are in-laws of the deceased and there is no allegation against them about causing death of the deceased, the above named petitioners no. 2 to 5, in the event of their arrest or surrender before the learned court below within a period of four weeks from the date of receipt / production of a copy of this order, are directed to be enlarged 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 the learned Chief Judicial Magistrate, Banka in Dhoraiya P.S. Case No. 61/2016,

subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

So far as the case of petitioner no. 1 Sargun Mandal is concerned, taking into consideration that the petitioner no. 1 is the husband of the deceased and the daughter of the deceased stated that there was quarreling between the husband and the wife for partition of ancestral family property and thereafter she committed suicide, I am not inclined to grant anticipatory bail to the petitioner no. 1 in Dhoraiya P.S. Case No. 61/2016. Accordingly, the same is dismissed.

(Prabhat Kumar Jha, J)

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