

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10891 of 2016

Arising Out of PS.Case No. -43 Year- 2015 Thana -KURSELA District- KATIHAR

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Gorelal Mandal @ Gore Mandal son of Asarfi Mandal, R/o village- Nasi
Diyara Bateshpur, P.S.-Kursela, District- Katihar.... Petitioner

Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Rajendra Prasad Sah

For the Opposite Party/s : Mr. P.N.Pandit(App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

6 12-07-2016

Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner seeks bail in connection with Kursela P.S.
Case No. 43 of 2015 registered for the offences punishable under
Sections 304B, 428/34 of the Indian Penal Code.

Khushbu Devi, the daughter of the informant, was
married to the petitioner two and half years ago and allegedly, she
was being tortured and ultimately she was killed by the petitioner
and other in-laws.

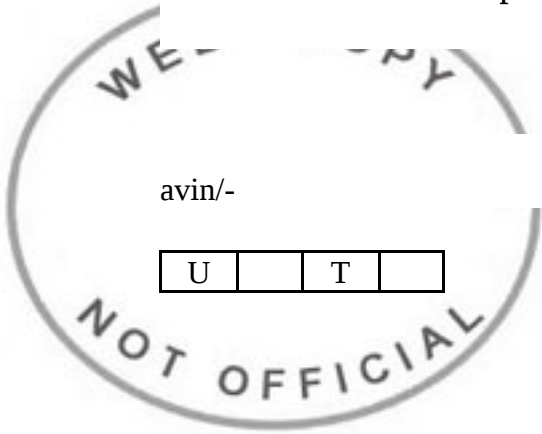
Submission is of false implication and that in the first
information report there is no allegation for demanding dowry,
there is no direct or indirect evidence to connect the petitioner
besides suspicion, the doctor has not found any injury on the
person of the deceased, the informant lodged this case at the
instance of the enemy of the petitioner, the petitioner is suffering

in custody since 28.04.2015, chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence. During investigation independent witness Banarsi Mandal has stated that the wife of the petitioner consumed poison herself vide paragraph 4 of the case diary and as such the petitioner deserves sympathetic consideration.

Learned App submits that in FSL Report Aluminium Phosphide was detected which is highly poisonous and the petitioner is the husband.

In the facts and circumstances stated above, considering the statement of independent witness Banarsi Mandal and further that chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence, the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge II, I/C, Katihar in S. T. No. 213 of 2015 + S. T. No. 245 of 2015 arising out of Kursela P.S. Case No. 43 of 2015, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two

consecutive dates on his part without any reason shall disentitle
the petitioner from privilege of bail.



(Jitendra Mohan Sharma, J)