

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6497 of 2017

Arising Out of PS.Case No. -306 Year- 2015 Thana -KAHALGAON District- BHAGALPUR

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Girdhari Mandal @ Gidra, Son of Late Arjun Mandal, resident of Village-
Rampur, P.S.- Shiv Narayanpur (Kahalgaon), Dist- Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashutosh Kumar, Advocate
For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 29-03-2017 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
17.08.2015 in connection with Sessions Trial No. 729/2015,
arising out of Kahalgaon (Shivnarayanpur) P.S. Case No. 306/15
registered for the offence punishable under Sections 302, 201 and
34 of the Indian Penal Code.

The prosecution case, as lodged by the brother of the
deceased Rinku Devi, is that the petitioner was married to the
deceased in 1998 and had two children. She was always being
tortured for demand of dowry. On the fateful night, the petitioner
alongwith his brother Santosh Mandal had sprinkled kerosene oil
on her and burnt her to death. This fact has been stated by the son



of the petitioner Shiv Raj Kumar to the informant.

It has been submitted by the learned counsel for the petitioner that he is innocent and has falsely been implicated in the aforesaid case, in fact, brother of the petitioner Santosh Mandal has moved for bail, which was earlier rejected, but after examination of Shiv Raj Kumar, son of the petitioner, during trial as P.W. 1, who has been declared hostile, has stated that his mother was suffering from some stomach ailment and he does not know how she died, the co-accused Santosh Mandal has been granted the privilege of bail by a Coordinate Bench of this Court in Cr. Misc. No. 42753 of 2016 on 05.10.2016. It is further submitted that the charge-sheet has already been submitted and the petitioner is facing the trial, hence, there is no chance of tampering with the prosecution evidence.

However, learned A.P.P. for the State submits that the petitioner is the husband of the deceased, hence, opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge VI, Bhagalpur, in connection



with Sessions Trial No. 729/2015, arising out of Kahalgaon (Shivnarayanpur) P.S. Case No. 306/15, subject to the condition that the petitioner will cooperate with the trial and appear before the learned court below on each and every date and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

Rajesh/-

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