

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.62296 of 2018

Arising Out of PS. Case No.-218 Year-2018 Thana- KRITYANAND NAGAR District-
Purnia

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Gajendra Kumar Mandal @ Gajendra Mandal, S/o Shashi Mandal, R/o Vill.-
Tintakia, P.S.- Sri Nagar, District- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kamal Kishore Jha, Adv.

For the Opposite Party/s : Mr. J. N. Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 12-12-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending arrest in a case registered
for the offences punishable under Sections 302, 328/34 of the
Indian Penal Code.

The prosecution case got initiated on the Fardbeyan of
Ashok Kumar Rai, recorded by Kolam Ojha, A.S.I. Kishanganj
Police Station on 05.06.2018 at 10.00 AM at M.G.M. hospital
Kishanganj to the effect that on 01.06.2018, five accused
persons, including the petitioner and husband of the victim
assaulted the victim and thereafter poisoned her, as a result, the
sister of the informant started vomiting. Subsequently, they took
her to neighbor of the informant Santosh Kumar for getting her
treated from where she was taken to Purnea for treatment. On



receiving such information, the informant reached to the Purnea Sadar Hospital where the doctor referred the victim to M.G.M., Hospital, Kishanganj. Ultimately, on 04.06.2018, the sister of the informant died.

It is submitted by learned counsel for the petitioner that the marriage of the victim was performed in 2008 and only on suspicion, the accusation has been levelled against the petitioner. In fact, the victim was suffering from illness for which she was being provided adequate medical treatment. The post-mortem suggests that the victim had no external injury and the cause of death has not been ascertained, however, viscera has been kept reserved. During investigation, none of the witnesses have supported the accusation of assault or administering poison to her. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State after going through the case diary has not controverted the contentions of learned counsel for the petitioner.

Considering the fact that the accusation has not been corroborated by the medical opinion, coupled with statement made in paragraph no.3 of the petition that the petitioner is not



having any criminal antecedent, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Purnea, in connection with K. Nagar (Champa Nagar) P.S. Case No.218 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Ashwini/-

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