

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19381 of 2019

Arising Out of PS. Case No.-194 Year-2018 Thana- BHAWANIPUR District- Purnia

OM PRAKASH MANDAL @ PRAKASH MANDAL Son of Late Hargovind
Mandal Resident of Village - Ghosay, P.S.- Barahara Kothi, Distt - Purnea.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anant Kumar 1

For the Opposite Party/s : Mr.Uma Shankar Prasad Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 11-04-2019 As prayed for, learned counsel for the petitioner is permitted to delete paragraph no.9 of the petition.

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

The petitioner is apprehending arrest in a case registered for the offence punishable under Sections 304B/34 of the Indian Penal Code.

The prosecution case got initiated on the basis of written report of Mirtunjay Rai submitted before the I/ C Baliya (O.P.), Police Station is to the effect that the sister of the informant, Swati Kumar was married with co-accused Niwas Kumar on 30.11.2017. But subsequent to the marriage, further dowry demand of cash amount of Rupees Five Lacs was made and due to non-fulfillment of the same, torture was inflicted upon the



sister of the informant. It is further alleged that on 21.09.2018, all the accused persons, including the petitioner throttled the informant to death and on 22.09.2018, the father-in-law of the victim informed the father of the victim that her daughter is not well and after having received such information, when the informant along with others went to the in-laws house of her sister, he found her sister dead.

It is submitted by learned counsel for the petitioner that the petitioner is not the family member of the husband of the victim and the accusation is omnibus and general against all the accused persons. It is further submitted that since the petitioner mediated in the marriage of the sister of the informant and co-accused Niwas Kumar, hence, he has been roped in the present case and nothing specific has been alleged against the petitioner in the FIR. Moreover, the thrust of accusation is against the husband of the victim and the petitioner is residing at different place. It is further submitted that allegedly, the victim was brutally assaulted, but no external injury has been found on the person of the victim. The postmortem report suggests the cause of death as asphyxia as a result of hanging.

It is submitted by learned APP for the State that the petitioner is named in the FIR.



Considering the thrust of accusation against the husband of the victim and the petitioner is not the family member of the victim, let the above named petitioners 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 SDJM, Purnea, in connection with Bhawanipur (Balua O.P.) P.S. Case No.194 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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