

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42980 of 2019**

Arising Out of PS. Case No.-162 Year-2018 Thana- ANDHRAMATH
District- Madhubani

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RAM PRAKASH MANDAL @ RAMPRAKASH MANDAL S/O Raj Kumar
Mandal @ Raj Kumar Mandal Resident of village- Chhatapul Tole Dhata,
P.S.- Andharamath, District- Madhubani.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Manish Kumar No 13, Advocate.

For the Opposite Party: Mr. Anuj Kumar Shrivastava, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

5 27-11-2019 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in custody since 15.04.2019 in connection with Andharamath P.S. Case No. 162 of 2018 corresponding to G.R. No. 1371 of 2018, for the offences alleged under Sections 304(B)/34 of the Indian Penal Code.

3. It is submitted that the petitioner has been falsely implicated merely because he happens to be the husband of the deceased. The accusations of torture and demand for dowry are highly unlikely as concerns the petitioner in view of the admitted fact that the petitioner and the deceased had solemnized love marriage and in any event the accusation of demand for dowry is general and omnibus in nature. In view of the specific averment by the informant that the deceased herself had consumed poison, it is submitted that the ingredients of Section 304B IPC are not made out. It is further submitted that the petitioner had gone to Delhi to earn livelihood as stated in the



F.I.R., which further casts doubt about the veracity of the accusations. Co-accused Gulab Devi, mother-in-law of the deceased has been granted bail by this Court in Cr. Misc. No. 16366 of 2019. The petitioner has already suffered more than seven months in custody. The petitioner claims clean antecedents.

4. Be that as it may, let the petitioner above named be released on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of like amount each to the satisfaction of learned Additional District and Sessions Judge, Jhanjharpur, District- Madhubani in connection with Andharamath P.S. Case No. 162 of 2018, corresponding to G.R. No. 1371 of 2018, on the following conditions-

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) That the petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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