

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43078 of 2019**

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

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JAI PRAKASH MANDAL @ JAY PRAKASH MANDAL Son of Raj Kumar
Mandal @ Raj Kumar Mandal Resident of Village - Chhatapul Tole Dhata,
P.S.- Andharamath, Dist.- 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 22.04.2019 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 brother-in-law
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's brother 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 was living separately and has no concern with the



day-to-day matters of the deceased and her husband. 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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