

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1424 of 2020

Arising Out of PS. Case No.-100 Year-2019 Thana- KAHALGAON District- Bhagalpur

1. PRAKASH MANDAL S/o Late Parmeshwar Mandal R/o village-Udayrampur, P.S.- Ghogha, District- Bhagalpur
2. Bibhash Mandal @ Vibhash Mandal S/o Prakash Mandal R/o village-Udayrampur, P.S.- Ghogha, District- Bhagalpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar

For the Opposite Party/s : Mr. Nawal Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 06-07-2020 Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State, through video conferencing.

The petitioners seek regular bail in connection with Sessions Trial No. 384 of 2019, arising out of Kahalgaon (Ghogha) Police Station Case No. 100 of 2019, registered for the offences punishable under Sections 304-B/120-B of the Indian Penal Code.

The allegation against the petitioners, as per the First Information Report, is that the marriage of the daughter of the informant was solemnized with petitioner no. 2 about two years back. It has further been alleged that the petitioners and other



family members started demanding dowry and due to non-fulfillment of the same, the daughter of the informant was killed by the petitioners and others.

Learned Counsel for the petitioners submits that the petitioners have not committed any offence in the manner alleged and in connection with the case, the petitioners are in custody since 22.02.2019. He, referring to Annexure 2 series, submits that during the course of trial, all prosecution witnesses, except the official witnesses, have been examined and the informant as well as other witnesses do not say anything against the petitioners and on the contrary, they have deposed that Vijay Mandal, Badal Mandal, Shobha Devi and Munni Devi have committed the murder of the daughter of the informant and the petitioners were not involved in the alleged crime.

This Court had called for a report from the learned Court below and in pursuance of the same, learned 6th Additional Sessions Judge, Bhagalpur, has forwarded his report, vide letter no. 42, dated 06.06.2020, from which it is apparent that charges were framed against the accused persons on 02.08.2019 and now only Investigating Officer and the doctor are yet to be examined in this case and summonses have already been issued for their deposition.



After having heard learned Counsel for the parties and taking into consideration the facts that the informant as well as other witnesses did not support the prosecution story against these petitioners, I am inclined to grant regular bail to the petitioners.

This application is, accordingly, allowed.

Let the petitioners, above named, be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 6th Additional Sessions Judge, Bhagalpur, in connection with Sessions Trial No. 384 of 2019, arising out of Kahalgaon (Ghogha) Police Station Case No. 100 of 2019.

This is subject to the condition that the petitioners shall present themselves before the Court on each date fixed in the trial and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled by the learned Court below itself.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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