

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3653 of 2020

Arising Out of PS. Case No.-199 Year-2019 Thana- MANIGACHI District- Darbhanga

1. KALPANA DEVI W/o Late Ashok Mandal Resident of Village - Brahmpur Sakri, P.S.- Manigachhi, Distt.- Darbhanga.
2. Sunil Mandal Son of Late Ashok Mandal Resident of Village - Brahmpur Sakri, P.S.- Manigachhi, Distt.- Darbhanga.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shambhu Nath Jha

For the Opposite Party/s : Mr.Md. Ataur Rahman

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 28-05-2020 Heard.

The matter has been taken up through virtual Court proceeding.

The petitioners are languishing in jail since 23.09.2019 in a case registered for the offences punishable under Sections 304B/34 of the IPC.

The prosecution case, as per the Fardbeyan of Tiro Devi recorded by S.I. Ramashankar Pandey of Manigachhi Police



Station, is to the effect that the daughter of the informant, namely, Rani Kumari was married with the petitioner no.2 about one and half years prior to the lodging of the case but subsequent to the marriage, there was further dowry demand and due to non-fulfillment of the same, the daughter of the informant was killed on 21.9.2019.

It is submitted by learned counsel for the petitioners that the petitioner no. 2 is the husband of the victim and petitioner no. 1 is the mother of petitioner no. 2. Petitioner no. 2 was not present on the place of occurrence and the victim committed suicide by lighting fire. It is further submitted that on conclusion of investigation, charge sheet has been submitted under Section 306 of the IPC though statement to that effect has not been made in the petition.

Mr. Girish Chandra Jha, learned counsel for the informant submits that petitioner no. 2 is the husband of the victim there is specific accusation against him. Learned APP submits that the daughter of the informant has been killed within one and half years of the marriage, hence a case under Section 304B of the IPC is made out.

Considering the fact that on conclusion of investigation, the case has not been found true under Section



304B of the IPC, coupled with the period in custody, let the petitioners above named be released on bail, for the present, provisionally for a period of three months on furnishing one surety each to the satisfaction of the learned ACJM-5, Darbhanga in connection with Manigachhi P.S. Case No. 199 of 2019.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the sureties, on photo copy of his Aadhar Card to the effect that they are ready to become the bailor of the petitioners which may be transmitted by such surety to the learned Court concerned through e-Mode.

The provisional bail of the petitioners will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM-5, Darbhanga in connection with Manigachhi P.S. Case No. 199 of 2019 including one surety each given at the time of provisional bail.

The learned Court below will be at liberty to further extend the period of provisional bail if the lock down,



due to the present pandemic Covid-19, is not over in three months.

(Dinesh Kumar Singh, J)

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