

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 7642 of 2020**

Arising Out of PS. Case No.-33 Year-2017 Thana- JAMALPUR District- Darbhanga

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SANJAY MANDAL Son of Suraj Narayan Mandal @ Suraj Mandal Resident
of Village - Ganauni, P.S.- Jamalpur, Distt - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr Ajay Kumar, Advocate
For the Opposite Party/s : Ms Pushpa Sinha, APP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 09-09-2020 As of now, the Courts have not resumed normal physical hearing. The matter has been listed today for consideration through Video Conferencing.

Learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings with the aid of audio visual technology.

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

The petitioner seeks bail in Sessions Trial No 451 of 2017 arising out of Jamalpur Police Station (for brevity, *PS*) Case No 33 of 2017 instituted for the offence punishable under Section (s) 302, 304B, 201, 120B/34 of Indian Penal Code.



Petitioner is husband of deceased. He had earlier approached this Court for grant of bail in Cr Misc No 12392 of 2019. On 05.04.2018, his prayer was rejected.

The petitioner's counsel submits that the petitioner is in custody since 10.10.2017, now for about three years. Informant of the case (mother of the victim), cousin and independent witnesses have been examined. Referring to their depositions (Annexure 3 series) of the instant petition, it is submitted that the deposition belies the entire prosecution case as they have not supported the allegations in the trial. The depositions make it clear that before the Court below, the witnesses have stated about the victim's death on account of illness and have also not supported the allegation of demand of dowry.

The learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge II, Benipur, District – Darbhanga in Sessions Trial No 451 of 2017 arising out of Biraul PS Case No 33 of 2017 subject to the following conditions:-



(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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