

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 21231 of 2020

Arising Out of PS. Case No.-187 Year-2017 Thana- DARBHANGA District- Darbhanga

1. MAHESH MANDAL Son of Bhola Mandal Resident of Mohalla- Senapath, P.S.- Town, District- Darbhanga.
2. Jhugnu Mandal Son of Mahesh Mandal Resident of Mohalla- Senapath, P.S.- Town, District- Darbhanga.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Vinay Kumar Mishra, Advocate

For the Opposite Party/s : Mr Pramod Kumar Pandey, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

3 07-07-2020 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.

Petitioner seeks bail in a case registered under Sections 304B/34 of Indian Penal Code.

The case of the informant is that her daughter has



been set ablaze on non-fulfillment of dowry demand. The husband and family members including these petitioners have been named in the first information report (for brevity, *FIR*).

Learned counsel for the petitioners submits that general and omnibus allegation has been levelled naming all the accused persons. Petitioner No 1 is father-in-law and is in custody since 10.05.2018. Petitioner No 2 is the brother-in-law of deceased and is in custody since 17.12.2017. He submits that from perusal of the *FIR*, it is evident that in fact the in-laws had taken the victim for treatment to Darbhanga Medical College & Hospital (for brevity, *DMCH*). After she suffered burn injuries accidentally on 06.10.2017, she has been continuously given treatment till 14.10.2017. However, in this period, no information has been lodged. *FIR* further reveals that one Fardbayan has earlier been recorded in the Patna Medical College Hospital (for brevity, *PMCH*), where she was later shifted. The informant has stated in the *FIR* that she is lodging the present prosecution as she was not satisfied with the Fardbayan recorded earlier at *PMCH*. It is submitted that the petitioners had no concern with the affairs of the deceased and her husband who is also in judicial custody.

Learned APP for the State has opposed the prayer for



bail. He has submitted that petitioners are named accused persons. The victim has died on account of burn injuries and there is allegation that all the in-laws have set her ablaze.

Considering the aforesaid, let the petitioners, above named, be released on bail on each of them furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge VIII, Darbhanga in connection with Darbhanga Town PS Case No 187 of 2017 (Sessions Trial No 12 of 2018) subject to the following conditions:-

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

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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