

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27364 of 2020**

Arising Out of PS. Case No.-218 Year-2018 Thana- LAKHISARAI District- Lakhisarai

KANHAIYA MANDAL S/o Dinesh Mandal Resident of Santer Mohalla,
Ward No.13, Purani Bazar, P.S-Lakhisarai, District-Lakhisarai (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhim Sen Prasad, Advocate

For the Opposite Party/s : Mr.Arun Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER**

6 04-01-2021 Heard learned Counsel for the petitioner and the learned
Counsel for the State.

This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in Lakhisarai PS Case No. 218 of 2018 registered under Sections 304(B)/34 of the IPC.

Being husband the petitioner is accused of setting ablaze his wife for non-fulfillment of demand of dowry.

Learned Counsel for the petitioner submits that the death has occurred due to accident while preparing food. It is his submission that from the FIR itself it is evident that the victim's father (informant) had accompanied the victim to the hospital where she was initially taken for treatment which shows bonafides of the petitioner.

The prayer for bail was earlier rejected on 12.7.2019 with a direction to the trial court to expedite the trial within a period of nine months. In view thereof this Court had requisitioned a report



from the trial court to ascertain stage of the trial. The report shows that during Lockdown the trial has not been able to progress. In the circumstances the petitioner is now in custody since 9.5.2018.

Learned APP has opposed the prayer for bail. It is submitted that being husband of the victim the petitioner is the prime accused and therefore is not entitled to grant of bail.

Considering the rival submissions as also the facts and circumstances of the case, prayer for bail of the petitioner is allowed.

Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of District & Sessions Judge 1st cum- Special Judge, Lakhisarai in Lakhisarai PS Case No. 218 of 2018 (S.Tr. No. 143 of 2018) 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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