

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.37043 of 2020**

Arising Out of PS. Case No.-222 Year-2019 Thana- DAGARUA District- Purnia

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BABLU MANDAL @ SUDHIR MANDAL, Son of Sohlu Mandal @ Sohan  
Mandal Resident of Village - Kohila, P.S.- Dagarua, Distt.- Purnea.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Md Fazle Karim

For the Opposite Party/s : Mr.APP

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**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR**  
**ORAL ORDER**

4      26-05-2021                      Heard Mr. Fazle Karim, learned counsel for the  
  
petitioner and Md. Aslam Ansari, learned APP for the  
  
State.

The petitioner, who is the husband of the  
deceased, seeks bail in connection with Dagarua P. S.  
Case No. 222 of 2019, instituted for offences under  
Sections 304 (B) and 34 of the Indian Penal Code.

The learned counsel for the petitioner has  
submitted that from the perusal of the F.I.R. itself, it  
would appear that it cannot be a case under Section 304  
(B) of the Indian Penal Code as the marriage had been  
solemnized about 10 years ago.



The learned counsel for the petitioner has further submitted that there were differences between the deceased and the petitioner but that was of a very common nature as is common place in many of the matrimonial relationships. The fact that the deceased had given birth to two children out of the wedlock is sure enough evidence of the fact that the petitioner treated his wife (deceased) rather well.

Apart from this, it has been submitted that the informant has chosen to file this case only because of wrong information and advice tendered to him.

To put the records straight, the learned counsel for the petitioner has submitted that there was some minor dispute between the spouses on 14.11.2019 and vexed by such dispute, the deceased committed suicide.

The learned counsel for the State, however, submits that these are the defence taken by the petitioner which cannot be appreciated or looked into at this stage.



The learned counsel for the petitioner, however, submits that he is in custody since 01.02.2020 and till date not a single witness has been examined at the trial.

He further submits that with this tardy pace of trial, there is no likelihood of the same being concluded in near future and keeping the petitioner in custody in that event would be absolutely unnecessary and would offend his right to a speedy trial in a criminal case.

Considering the period of custody of the petitioner and the stage of the case where no prosecution witness has been examined so far, this Court feels inclined to grant bail to the petitioner subject to certain conditions.

The petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1<sup>st</sup> Class, Purnea, in connection with Dagarua P. S. Case No. 222 of 2019.



However, it is clarified that the petitioner shall participate in the trial and his absence from the trial proceedings on two consecutive occasions without any justifiable cause would render his bail liable to be cancelled.

If such an event takes place, the trial court would be well advised to proceed against the petitioner for cancellation of his bail after noticing him.

The application stands disposed off accordingly.

**(Ashutosh Kumar, J)**

skm/-

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