

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40277 of 2020

Arising Out of PS. Case No.-162 Year-2019 Thana- HATHAURI District- Samastipur

MITHILESH MANDAL S/o Shri Dinesh Mandal @ Baharu Mandal R/o
village- Bela, Shivajee Nagar, Hathauri, P.S.- Hathauri (Shivajee Nagar O.P.),
District- Samastipur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar, Advocate
For the Opposite Party/s : Ms. Renu Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

7 07-07-2021 Heard Mr. Arun Kumar, learned counsel for the
petitioner and Ms. Renu Kumari learned Additional Public
Prosecutor appearing for the State through video conferencing.

Petitioner seeks regular bail in connection with
Hathauri P.S. Case No. 162 of 2019 registered for the offence
punishable under Sections 302 and 201/34 of the Indian Penal
Code 1860.

The allegation as per the First Information Report is
that the daughter of the informant was married to the petitioner
about 18 years ago and the petitioner used to put pressure upon
the daughter of the informant asking her to persuade her father
for transferring a piece of land owned by the informant in the
name of the petitioner. It has further been alleged that on



9.10.2019 the nephew of the informant received a call from the petitioner upon which, the informant and his other family members reached the village of the petitioner and saw that the daughter of the informant was killed by means of a sharp cutting weapon. The dead body of the daughter of the informant was cut into pieces and was being burnt by all the accused persons.

Learned counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case at the behest of brother of the informant namely, Bihari Mandal, inasmuch as the informant has no male issue and has got 8 *katthas* of land, for which, the brother of the informant in order to grab the land implicated the petitioner in a false case because the petitioner is only surviving legal heir of the informant. Learned counsel further submits that the deceased has died a natural death. Her marriage with the petitioner had taken place about eighteen years ago and out of the wedlock, three daughters and one son were born. Learned counsel also submits that when the dead body of the deceased was being cremated in presence of all the family members and the villagers, the Police had arrived and taken out half burnt dead body from the funeral pyre, due to which, half burnt dead body was recovered into pieces. Learned



counsel next submits that postmortem of the deceased was not conducted due to burn and separated dead body recovered from the funeral pyre and tissues were sent for viscera examination. Petitioner is in custody since 29.6.2020 and he has got no criminal antecedent.

This Court earlier by order dated 12.04.2021 had called for a viscera report, in pursuance whereof, the viscera report has been furnished in a sealed cover which has been opened by the Court and from perusal of the same it appears that no Metallic, Alkaloidal, Glycosidal, Pesticidal and Volatile poison could be detected.

On the other hand, learned counsel for the State vehemently opposed the prayer for bail of the petitioner and submits that the petitioner has committed heinous offence. He further submits that petitioner after killing his wife, with the help of family members was burning the dead body.

Having heard learned counsel for the parties and taking into consideration the materials on record, viscera report and the fact that the petitioner is in custody since 29.6.2020 having clean antecedent and charge sheet has already been submitted in the matter as well as there is no likelihood that the petitioner will abscond or tamper with the evidence, I am



inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bonds of Rs.20,000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of Shri Kuldip Shrivastav, learned Judicial Magistrate, 1st Class, Rosera, in connection with Hathauri P.S. Case No. 162 of 2019 subject to the condition that the petitioner will be well represented on each date in the trial and if he fails to do so on two consecutive dates, his bail bonds will be liable to be cancelled.

It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines regarding social distancing.

Office is directed to re-seal the viscera report and the same be sent to the concerned authority immediately.

(Anil Kumar Sinha, J)

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