

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2879 of 2022

Arising Out of PS. Case No.-75 Year-2021 Thana- BISFI District- Madhubani

Manoj Kumar Mandal @ Manoj Kumar Son of Ram Nath Mandal, Resident of Village - Chickny, P.O.- Soncky, P.S.- Darbhanga Sadar, O.P.- Sonaki, District - Darbhanga.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Shahnawaz Ali, Advocate
For the Opposite Party/s : Mr. Ashok Kumar Singh, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

5 30-08-2022 Let the defects, as pointed out by the Office, be removed within a period of two weeks from today.

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

Petitioner seeks regular bail in connection with Bisfi P.S. Case No. 75 of 2021 lodged under Sections 304(B) and 201/34 of the Indian Penal Code.

As per the prosecution, the informant has alleged that the marriage of his daughter was solemnized but the in-laws of his daughter continuously used to demand Rs.5,00,000/-. Since 13.04.2021, the daughter of the informant was missing but subsequently her dead body was recovered. On the basis of which the present case has been filed against five named

accused persons in which the name of the present petitioner has not been stated.

Learned counsel for the petitioner submits that it is a case lodged by the informant under Section 304B/201/34 of the I.P.C.. He further submits that the present petitioner is in no way related to the family of the husband of the deceased. He is neither husband nor relative. Learned counsel for the petitioner further submits that petitioner is in custody since 18.04.2021 having clean antecedent. He further submits that charge sheet has already been filed in this case.

Learned counsel for the State opposes the prayer for bail but simultaneously mentioned that since the present petitioner is stranger, so at worst section 302 may be made out. To addition of 304B of I.P.C. is the incorrect proposition of law, simultaneously he submits that charge has already been framed and evidence of the prosecution is going on.

In the present facts and circumstances of the case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-Ist., Benipatti in connection with Bisfi P.S. Case No. 75 of 2021, subject to the conditions as

laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall resulted into cancellation of his bail bond.

B. One of the bailor shall be close relative who shall file affidavit before the court about his relation with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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