

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2955 of 2022

Arising Out of PS. Case No.-38 Year-2021 Thana- NADI District- Supaul

Satyendra mandal son of Sri Laxman Mandal resident of village - Sakhua
(ward no.8), p.s.- Nadi thana supaul, Distt.- Supaul.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yogendra Kumar

For the Opposite Party/s : Mr. Sanjay Kumar Sharma

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 28-11-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with Supaul
Nadi P.S. Case No. 38 of 2021 dated 16.06.2021/G.R. No.
1155 of 2021, registered for the offences punishable under
Sections 341, 323, 498(A), 304(B) and 34 of the Indian
Penal Code.

The prosecution case as emerging from the FIR is
that the sister of the informant, namely, Nirashi Devi has
been subjected to dowry death on account of non-fulfillment
of demand of dowry within the 7 years of marriage. As per
the post-mortem report, she has died on account of



Asphyxia due to strangulation.

The learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the present petitioner is husband of the deceased. He also submits that petitioner has been languishing in jail since 13.07.2021 and trial is going on and two witnesses have already been examined including the informant and they are not supporting the prosecution case. He also submits that all the co-accused persons, namely, Punam Devi, Rita Devi, Jitendra mandal, Pachhiya Devi and Laxman Mandal have already been enlarged on anticipatory bail vide order dated 18.08.2022 passed in Cr. Misc. No. 18271 of 2022.

It is also stated in paragraph no. 2 of the petition that the petitioner has not moved earlier before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 that the petitioner has no criminal antecedent.

However, the learned APP for the State vehemently opposes the prayer of the petitioner for bail



saying that the alleged offence is serious in nature. He further submits that deceased, Nirashi Devi has become a victim of dowry death. However, it appears from the deposition that the informant had gone into connivance with the accused-petitioners for ulterior motive.

Considering the aforesaid facts and circumstances, particularly the fact that the present petitioner is husband of the victim, I am not persuaded to enlarge the petitioner on bail.

The application stands rejected accordingly.

However, if the trial is not concluded within 6 months, he may renew his prayer for bail.

The learned counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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