

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17346 of 2022

Arising Out of PS. Case No.-216 Year-2021 Thana- BAHERI District- Darbhanga

Ajit Mandal Son of Raja Ram Mandal Resident of Village - Baghauni, P.S.-
Baheri, Distt.- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baidya Nath Prasad, Advocate

For the Opposite Party/s : Mr. Dilip Kumar No. 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 22-08-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

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

Petitioner seeks bail in a case registered for the offences punishable under Sections 302, 201, 498(A)/34 of the Indian Penal Code.

According to F.I.R., the informant married his sister Rakhi Kumari (deceased) to accused petitioner Ajit Mandal in the year 2008 but after marriage the in-laws of deceased used to torture for demand of dowry and the accused petitioner used to assault the deceased in inebriated condition in respect of which the deceased filed a petition in the police station but the same got settled. In spite of settlement arrived at between the parties the in-laws used to torment her which forced the decease to leave



her matrimonial house and she went to the house of her Mausi (mother's sister) but it is alleged that all the named accused persons including the petitioner brought back the deceased from there and after hatching a conspiracy strangled her to death in the intervening night of 23.10.2021 and 24.10.2021 and informed the informant that deceased died after consuming poison but when the informant reached there in the very next morning he did not find the dead body as the same was already disposed of.

Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that it appears from the F.I.R. that there is general and omnibus allegation against all the accused persons including the petitioner and in fact the petitioner is husband of the deceased and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 25.10.2021.

Learned APP for the State, on the other hand, vehemently opposed the prayer for bail of the petitioner and submits that the petitioner and his family members has disposed the dead boey of the victim without informing the family member of the deceased.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail **after framing of**



charge on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Baheri P.S. Case No. 216 of 2021, with the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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