

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31624 of 2021

Arising Out of PS. Case No.-576 Year-2019 Thana- ARARIA District- Araria

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Sadanand Mandal, S/O Jhangur Mandal, R/O Village-Baretha, Ward No.9,
P.S.-Kasaba, District-Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjeet Kumar, Advocate

For the Opposite Party/s : Dr. Indihar Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

2 27-01-2022 The applicant/accused in Sessions Trial No. 56 of 2020 registered with Crime No. 576 of 2019 in Araria Police Station for the offences punishable under Sections 304(B) and 120(B) r/w Section 34 of the Indian Penal Code as well as Sections 3/4 of the Dowry Prohibition Act, by this application is seeking his release on bail during pendency of the trial.

Heard the learned counsel appearing for the applicant/accused. He pointed out that earlier bail application of the applicant was rejected by a coordinate Bench of this Court vide order dated 22.06.2020 passed in Criminal Misc. No. 11124 of 2020 wherein it is observed that on considering the materials available on the record, the Court is not inclined to grant bail to the applicant. It is further argued that the



applicant was not present on the spot of the incident as seen from the FIR. It is further argued that there are no allegations against the applicant in the FIR and the applicant is behind the bars from 24.07.2019.

The learned Additional Public Prosecutor opposed the application by contending that the offence is serious.

I have considered the submissions so advanced and also perused the materials placed before me.

The coordinate Bench of this Court was please to reject the bail application of the applicant with specific observation that considering the materials available on the record, the applicant is not entitled for grant of bail. Entertaining the instant application by the very same Court would amount to review the earlier order passed by the Court which is not permissible.

The instant case is lodged for the offence punishable under Section 304(B) of the Indian Penal Code apart from other penal provisions. It is not necessary in such offence that the applicant must be found present on the spot at the time of unnatural death of married women. No case for grant of bail to the applicant/accused is made out. Accordingly, the present application stands rejected.



The applicant to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the applicant/accused.

Bhardwaj/-

(A. M. Badar, J)

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