

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45740 of 2021

Arising Out of PS. Case No.-151 Year-2020 Thana- UDAKISHUNGANJ District-
Madhepura

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Sintu Kumar Mandal, S/O Amin Mandal, R/O Village- Birirampal, P.S-
Udakishunganj, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajnish Kumar Singh, Advocate
For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 23-06-2022 Learned counsel for the petitioner is permitted to

remove the defect(s), as pointed out by the office, within a

period of four weeks from today.

Heard Mr. Rajnish Kumar Singh, learned counsel for
the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Udakishunganj P.S. Case No. 151 of 2020 for
the offences punishable under Sections 307, 324, 326/34,
498(A) of the Indian Penal Code and Section 3/4 of the Dowry
Prohibition Act. Later on Section 304(B) of the Indian Penal
Code has been added.

As per prosecution case, it is alleged that the
marriage of the daughter of the informant was solemnized two
years ago with the petitioner and out of their wedlock, a female
child was born. It is further alleged that on 18.05.2020, the



informant received an information that his daughter has got fire and she was taken to hospital for treatment. On the aforesaid information, the informant and his family members rushed to the hospital and found his daughter in severe burn injuries. It is further alleged that the informant came to know that the mother-in-law set his daughter on fire along with other accused persons including this petitioner.

It is submitted by the learned counsel appearing on behalf of the petitioner that prima facie from perusal of the F.I.R. there is specific allegation against the mother-in-law of the deceased and general and omnibus allegation has been levelled against all the family members including this petitioner. However, during the course of investigation, the statement of the independent witnesses, namely, Tarani Mandal, Banti Mandal and Birendra Mandal were recorded, who have categorically stated that soon before the occurrence there was quarrel between the husband and wife and due to which the deceased closed her room and set herself on fire and committed suicide. It is further submitted that place of occurrence was also examined by the Dy.S.P., who found the lock chain of the door was broken, as the door was closed from inside. It has further come to the notice that after breaking the door, the deceased was



taken to private hospital where she was provided treatment by the accused persons and she was also survived for six days, but the investigating officer has failed to record her statement. It is next submitted that the husband of the deceased has also received burn injury while saving the deceased and he was arrested from the hospital from where treatment of his wife was undergoing. It is lastly submitted that this petitioner is in custody since 20.05.2020 having no criminal antecedent, apart from the fact that after conclusion of the investigation charge-sheet has been submitted.

On the other hand, learned APP for the State vehemently opposes the bail application and submits that the petitioner is the husband of the deceased and he was under obligation to see the safety of his wife. However, he fairly contended that the independent witnesses have stated that the deceased herself set on fire.

Having considered the submissions made on behalf of the parties and taking into consideration the aforesaid facts that during the course of investigation it has come that due to some altercation, the deceased closed her door and set herself on fire and thereafter she was taken to hospital and treatment was provided by the petitioner and his family members and



moreover the investigation has already been concluded and charge-sheet has been submitted and the petitioner is in custody since 20.05.2020 having fair antecedent, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Udakishunganj, Madhepura in connection with Udakishunganj P.S. Case No. 151 of 2020 subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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