

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45446 of 2021

Arising Out of PS. Case No.-242 Year-2019 Thana- DAGARUA District- Purnia

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SUMIT MANDAL @ CHHOTU Son of - Suga Mandal @ Sukanand Mandal
Resident of - Mahalbari, P.S. - Dagarua, District – Purnea.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Md Fazle Karim, Adv
For the Opposite Party/s : Mr.Mritunjay Kumar Nirala, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 29-03-2022 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.

A supplementary affidavit has been filed on behalf of the petitioner, which is kept on record.

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 304(B) of the IPC but the chargesheet has been submitted against the petitioner under Sections 498(A) and 302 of IPC.

The prosecution case, in short, is that the case is registered on the written report of Sudheer Mandal (informant)



for causing death of her daughter by the accused and the informant has alleged in the written report that marriage of his daughter was solemnized with the accused about 7 years ago and two daughters were born out of the wedlock and after passing some time his son-in-law Sumit Mandal @ Chhotu started assaulting his daughter Bijli Devi and he used to commit cruelty by abusing her. On 17.12.2019 at about 8.00 P.M. Sunit Mandal @ Chhotu assaulted daughter of informant with iron rod and made her badly injured due to which she died and the villagers of Mahalbari gave information to him on which he visited the place of occurrence and informed the police and the police took the dead body for further proceedings.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case only on the basis of suspicion. He further submits that the police, after investigation, submitted chargesheet against the petitioner. He further submits that the informant, namely, Sudheer Mandal has been examined and he was turned hostile and the petitioner is in custody since 18.12.2019.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.



Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (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 S.Tr.No.108 of 2020 arising out of Dagarua Police Station Case No.242 of 2019, 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

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

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 antecedent, 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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