

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39184 of 2022

Arising Out of PS. Case No.-257 Year-2021 Thana- BARHARA KOTHI District- Purnia

Pawan Kumar @ Pawan Mandal Son Of Sushil Mandal R/O Village-
Laxmipur Bhatta, P.S.- Barhara Kothi, District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijendra Kumar Singh, Advocate

For the Opposite Party/s : Mr.Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 30-09-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing in view of the
COVID 19.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks.

The petitioner is in judicial custody in connection
with Barhara (Raghubansh Nagar) P.S. Case No. 257 of 2021
for the offences under Sections 341, 323, 498(A), 304(B) and
120(B)/34 of the Indian Penal Code and Section 3/4 D.P. Act.

As per the prosecution story, the informant's daughter
Pooja Kumari was married to Ratan Mandal in the year 2018.
As per the capacity, the daughter was given sufficient dowry
but soon after the marriage, Ratan Mandal and his family started
assaulting the informant's daughter and demanded Rs.



5,00,000/-. Further the informant came to know that her daughter was killed by strangulation. Accordingly, the FIR instituted.

Learned counsel for the petitioner submits that the petitioner is the brother-in-law (Dewar) of the deceased living separately from the family and has nothing to do with the internal problem of the couple. It is further submitted that there is omnibus allegation against all the accused persons. The last submission is that the husband of the deceased is in custody, (para-13 of the bail application).

Considering the fact that the petitioner(Dewar) is in custody since 17.12.2021. The husband is in jail, he do not have any criminal antecedent, this Court is inclined to grant him the privilege of bail. If, however, it is found that he do have criminal antecedent and/or submission made in para-13 is false, the bail order shall become infructuous.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of learned A.C.J.M.-2, Purnea, in connection with Barhara (Raghubansh Nagar) P.S. Case No. 257 of 2021 subject to the following conditions:-

(i) one of the bailor should be the family member of



the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial Court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Ravi/Ajay Singh

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