

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54861 of 2021**

Arising Out of PS. Case No.-121 Year-2019 Thana- SANOKHAR District- Bhagalpur

Nirdhan Mandal Son of Late Bodhi Mandal Resident of Village- Srimathpur,
P.S.- Amdanda, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha, Advocate.

For the Opposite Party/s : Mr. Md. Aslam Ansari, APP.

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER**

2 31-03-2022 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

The present application has been filed on behalf of the petitioner, above named, for grant of regular bail to the petitioner who has been made accused and put behind the bars in connection with Sanokhar (Amdanda) P. S. Case No. 121 of 2019 registered for the offences punishable under Sections 304(B) and 34 of the Indian Penal Code.

The prosecution case is that the marriage of the daughter of the informant was solemnized with one Pintu Kumar Mandal 5 years ago. After the marriage, all the accused persons started demanding a sum of Rs. 50,000/- and due to which they started torturing the deceased. It is also alleged that just few days before occurrence, the deceased had come to her



Maika and thereafter, her husband Pintu Kumar Mandal came there and took *bidagiri* of his daughter and the said Pintu Kumar Mandal demanded Rs. 50,000/- .

However, later on, on 10.09.2019, Pintu Kumar Mandal informed the informant that his daughter has died and on his information, the family of the informant came to her sasural and it has been found that she was strangled to death.

It is submitted on behalf of the petitioner that the petitioner is brother-in-law (*Bhaisur*) of the deceased and was residing on a different place and he has no affairs with the daily routine life of the deceased and her husband. It is next submitted by the learned counsel for the petitioner that there is general and omnibus allegation against all the family members and only because of being elder brother of the husband of the deceased, his name has been implicated in this case.

It is further submitted that during the course of the investigation no independent witness has specifically stated about the complicity of this petitioner. It is also submitted that the petitioner has no criminal antecedent and he is in jail since 09.08.2020.

On the other hand, learned APP for the State vehemently opposes the prayer of this petitioner and submitted



that the cause of death of the deceased is asphyxia and shock due to combined effect of smothering manual strangulation which has also come in the impugned order. It is also submitted that the allegation of demand has been made against all the accused persons. It is next submitted by the learned counsel for the State that the witnesses have supported the prosecution case.

Having considered the submissions made on behalf of the rival parties, it is apparent that the petitioner happens to be elder brother of the husband of the deceased and there is no specific allegation of any overt act against this petitioner and he is in custody since 09.08.2020.

Considering the aforesaid facts and circumstances and the material available on record, let this petitioner, above named, 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 Additional Sessions Judge-XII, Bhagalpur in connection with Sanokhar (Amdanda) P. S. Case No. 121 of 2019, subject to the following conditions:

(a) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court below and shall remain physically present as directed by the Court below and in case of his absence on two consecutive dates



without cogent reason, his bail bonds shall be cancelled by the Court below.

(b) 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.

(Harish Kumar, J)

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