

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56742 of 2021

Arising Out of PS. Case No.-205 Year-2020 Thana- BARARI District- Katihar

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Doman Mandal, S/o Shyam Mandal, Resident of Mohalla- Dahra, Bishunpur,
P.S.- Barari, District- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Mira Kumari, Advocate
For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 11-05-2022 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 learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

The petitioner seeks regular bail, who is in custody in

connection with Barari P.S. Case No. 205 of 2020 (S.Tr. No. 174

of 2021) for the offences punishable under Sections 302/201/34

of the Indian Penal Code.

As per prosecution case, it is alleged that on

12.08.2020 at about 10.30 AM. while the informant was on

patrolling duty with other police personnel, he got information

that a dead body is lying in water at Madhua Bahiyar. When

they reached to the spot, they found the body of a lady, aged



about 30 years. It was suspected by the police that cause of death was strangulation and in order to conceal the dead body, the same was thrown in the water. Thereafter inquest report was prepared and the dead body was sent to hospital for post-mortem.

It is submitted on behalf of the learned counsel for the petitioner that the F.I.R. has been instituted against unknown persons on 12.08.2020. However, during the course of investigation the name of the petitioner has transpired on the statement of the daughter of the deceased on 16.08.2020, who stated that on 10.08.2020, the deceased was lastly seen with the petitioner, but surprisingly no report was given to the police or any family members about the missing of the deceased. It is further submitted that there is no independent witness, who have stated about the involvement of this petitioner and except the suspicion, there is no other incriminating material which suggest the complicity of this petitioner in the present crime. It is next submitted that even the post-mortem report reveals no external or internal injury over the body of the deceased and this petitioner having no criminal antecedent is in custody since 14.01.2021.

On the other hand, learned Additional Public



Prosecutor for the State opposes the bail application and submits that the petitioner was lastly seen with the deceased and there is CDR of the mobile, which suggest that this petitioner had talking term with the deceased and he had lastly talked with the deceased on 10.08.2020. It is also submitted that this petitioner has confessed his guilt before the police, which has also been recorded in para 90 of the case diary.

Having considered the submissions made on behalf of the parties and taking into consideration this fact that the petitioner is not named in the F.I.R. and his name transpired in the statement of the daughter of the deceased on 16.08.2020 after six days of the occurrence, but at the time of lodging of the F.I.R. there was no such statement. Further during the course of investigation nothing has come on record, which suggest any motive or any incriminating material suggesting the involvement of the petitioner in the present case and except the suspicion there is nothing on record and he is in custody since 14.01.2021 having no criminal 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 Additional Sessions Judge-VIII, Katihar in connection with Barari P.S.



Case No. 205 of 2020 (S.Tr. No. 174 of 2021), 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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