

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9336 of 2021

Arising Out of PS. Case No.-123 Year-2013 Thana- KAUWAKOL District- Nawada

1. VIJAY MANDAL @ VINAY MANDAL
2. Subhash Mandal, both sons of Late Ramjee Mandal, Resident of village – Sarkatti, P.S.-Kawakol, District – Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Advocate. Mr. Anuj Kumar, Advocate.
For the State	:	Mrs. Sangeeta Sharma, APP.
For the Informant	:	Mr. Satish Kumar Sinha, Advocate.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

14 28-04-2022 Heard learned counsel appearing on behalf of the petitioners and learned A.P.P. for the State.

Let the defect(s), if any, be removed within two weeks of the complete start of the physical Court in normal course.

The petitioners seek regular bail in connection with Kawakole P.S. Case No. 123 of 2013 for the offence punishable under Sections 302/201/34 of the Indian Penal Code.

The prosecution story, in brief, is that the marriage of the informant's daughter namely Vibha Devi was solemnized with one Ajay Mandal ten years back and she was blessed with two children. Allegation is that the accused persons named in



the F.I.R. along with the husband of the deceased had committed murder and disposed of the body without giving any information.

Mr. Yogesh Chandra Verma, learned counsel appearing on behalf of the petitioners submits that though the death has not taken place within the statutory period prescribed for commission of offence under Section 304B IPC, yet the matter relates to death of the wife of the younger brother of the present petitioner and the petitioner is the only person who has to take care of the two children of the deceased. The petitioner was not even remotely concerned with the relationship between the husband and the wife and just because he being the elder brother of the husband of the deceased has been roped in the present case. Though the offence under Section 302 IPC is not compoundable, yet considering the matter sympathetically for the purpose of proper upbringing of the children of the deceased and his younger brother, who are left uncared, the petitioner be released on bail on any conditions imposed by the Court.

Mr. Satish Kumar Sinha, learned counsel appearing on behalf of the informant submits that the two families have jointly arrived to the conclusion for upbringing of the two children. The present petitioner who is the elder brother of the



husband of the deceased may be released on bail.

Considering the rival submissions of the parties as well as the fact that this is altogether a family dispute and if the petitioner is released on bail, it will be in the interest of the family of the petitioner and two children who are to be brought up and the present petitioner has undertaken in open Court that he will provide all financial as well as physical help to the children of the deceased and for that purpose he will file an affidavit with respect to the total amount which he will spend for the two children before the court below and if the father of the deceased agrees to the same, the petitioners, above named, are directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM-I, Nawada in connection with Kawakole P.S. Case No. 123 of 2013, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioners tamper with the evidence or the



witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(4) If the petitioners are found involved in similar nature of offence, after their release on bail, the trial Court shall take steps to cancel their bail bonds.

(Purnendu Singh, J)

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