

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4357 of 2023

Arising Out of PS. Case No.-216 Year-2021 Thana- BAHERI District- Darbhanga

1. SANJAY MANDAL Son of Late Rajaram Mandal Resident of Village - Baghauni, Police Station - Baheri, District - Darbhanga.
2. Amarnath Mandal Son of Late Rajaram Mandal Resident of Village - Baghauni, Police Station - Baheri, District - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anil Kumar
		Mr. Akash Kumar Mishra
For the Opposite Party/s	:	Mr. Ramesh Chandra

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 27-04-2023 Heard the learned counsel for the petitioners as well as the learned Additional Public Prosecutor for the State.

The petitioners are seeking regular bail in connection with Baheri P.S. Case No. 216 of 2021, registered for offence punishable under Sections 302, 201, 498(A), 34 of the Indian Penal Code.

The learned counsel for the petitioners has submitted that the marriage of Rakhi Kumari (deceased), the sister of the informant, was solemnized with co-accused Ajit Mandal in the year 2008. The couple were blessed with two issues. Her husband Ajit Kumar used to assault her in drunken condition and all the accused persons had committed atrocities upon her



for non-fulfillment of demand of dowry. Lastly, the accused persons, named in the FIR, committed murder of the deceased.

The learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. The marriage was solemnized in the year 2008, so it is not presumed that they shall demand dowry after such a prolonged duration. He has also submitted that the petitioners are brothers-in-law (*Bhaisur*) of the deceased and their case is on better footing than that of co-accused Ajit Mandal, husband of the deceased, who has been granted bail in Cr. Misc. No. 17346 of 2022. The sister-in-law of the deceased has also been granted bail by the co-ordinate Bench of this Court in Cr. Misc. No. 4703 of 2022.

Considering the above-mentioned facts and circumstances, let the petitioners above-named be released on bail on furnishing bail bonds of Rs.10,000/- each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VII, Darbhanga in connection with Baheri P.S. Case No. 216 of 2021, subject to the following conditions:-

- (i) The petitioners shall cooperate in the disposal of trial and make themselves available



as and when required by the court.

(ii) If the petitioners are found involved in future in the similar type of offence, the prosecution will have liberty to file an application before the court below for cancellation of the bail of the petitioners and the learned court below will take decision in accordance with law.

(Nawneet Kumar Pandey, J)

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