

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20465 of 2022

Arising Out of PS. Case No.-14 Year-2022 Thana- RAJAON District- Banka

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DHARMADAS MANDAL @ VIKASH MANDAL, Son of Jaldhar Mandal,
Resident of Village - Kharwa, P.s.- Nawada, Distt.- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vibhakar Kumar, Advocate

For the Opposite Party/s : Mr.Kumar Ranjit Ranjan, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 02-01-2023 Heard learned counsel for the petitioner and the learned
APP for the State.

The petitioner seeks bail in connection with Rajoun
(Nawada O.P) P.S. Case No. 14 of 2022 registered for the offence
punishable under Section 304(B)/34 of the Indian Penal Code.

It is the prosecution case that the petitioner (husband
of the victim) had recently demanded Rs.1,00,000/- (One lakh
rupees) for the purposes of doing some business, and the informant
(father of the victim) has given part of the demanded amount of
Rs.22,000/- (Twenty Two thousand rupees) with assurance of giving
some more money after arranging the same. On 30.12.2021, it is
alleged that the informant's daughter called the informant on his
mobile phone, whereafter he went to her matrimonial home and it is
alleged that she has indicated by gestures that she has been beaten.
The informant thereafter has brought his daughter to his house and



got her examined by one Dr. Sunil Kumar. Thereafter, it is alleged that she has further been taken to treatment at another doctor and finally admitted in the Bhagalpur Sadar Hospital on 05.01.2022. During treatment, she has died at 07:15 AM.

Learned counsel for the petitioner submits that the narration of allegations in the FIR makes it clear that the prosecution case alleging offence under Section 304(B) is nothing but an after thought. For atleast five days, even as per prosecution case, the victim was with the informant, undergoing treatment atleast at three different places but her statement has not been recorded at any of the places. It is only when she has died during course of treatment that the instant FIR has been lodged. From statement of the victim's mother (petitioner's mother-in-law) it is more than obvious that the prosecution case is rendered suspicious as she has clearly stated about the petitioner working in another State as a labourer. The petitioner has no criminal antecedents and he is in custody since 28.01.2022. It is also submitted that the death of the victim has not occurred at the matrimonial place.

Learned APP for the State has opposed the prayer for bail. It is submitted that petitioner is the husband. There is specific allegation of demand being made by the petitioner to carry on business.

Considering the rival submissions, this Court, for the purposes of grant of bail, is inclined to accept the submissions



advanced by the petitioner's counsel.

Prayer for bail of the petitioner is allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Banka, in connection with Rajoun (Nawada O.P) P.S. Case No. 14 of 2022, subject to the following conditions:-

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.
- (ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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