

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20731 of 2023

Arising Out of PS. Case No.-69 Year-2022 Thana- KANHauli District- Sitamarhi

SHISHUPAL MANDAL Son of Ram Briksh Mandal R/V- Bhaluaha P.S-
Kanhauli Dist-Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Dr. Mrityunjaya Kr.Gautam, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 31-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since 23.11.2022 in connection with Kanhauli P.S. Case No. 69 of 2022 (G.R. No.1119/2022), F.I.R. dated 26.04.2022 for the offences punishable under Sections 304(B), 109, 323, 201 & 34 of the Indian Penal Code.

3. Allegation against the petitioner is that he along with his family members killed the daughter of the informant on the pretext of non-fulfillment of demand of dowry.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case merely on the ground that the petitioner is husband of the deceased. He further submits that



the allegation as alleged in the F.I.R. is false and fabricated and petitioner has not committed any offence as alleged in the F.I.R. and petitioner was not present at the time of occurrence. He further submits that at the place of occurrence petitioner was in Punjab.

5. Vide order dated 12.07.2023 a report was called from the Superintendent of Police, Sitamarhi with respect to whether on the date of occurrence Shishupal Mandal (petitioner) was present in Sitamarhi or he was present in Punjab. Report dated 22.07.2023 of the Superintendent of Police, Sitamarhi reveals that the petitioner was not present in Sitamarhi on the date of occurrence and he was in Punjab.

6. Considering the aforesaid facts and circumstances and report of the Superintendent of Police, Sitamarhi, 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, Sitamarhi in connection with Kanhauli P.S. Case No. 69 of 2022 (G.R. No.1119/2022), subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date



fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. 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.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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