

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20898 of 2023

Arising Out of PS. Case No.-128 Year-2021 Thana- PARBATTI District- Bhagalpur

Sarvesh Mandal @ Suresh Mandal, Son of Late Fakir Mandal, R/V-
Gonarchak, P.S- Parbatta, Dist- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 18-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Sessions Trial No. 248/2022, arising out of Parbatta P.S. Case No. 128 of 2021, registered for the alleged offences under Sections 302, 201/34 of the Indian Penal Code.

3. As per the prosecution case, the daughter of the informant was the first wife of the petitioner and the allegation against the petitioner and other co-accused persons is that they murdered the daughter of the informant and threw her dead body in the field.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. There is no specific allegation against the petitioner and



there is no eye witness to the alleged occurrence. The police recorded the confessional statement of the petitioner under duress. The witnesses examined during investigation are only hearsay witnesses. Except for the confessional statement of the petitioner, there is no material against this petitioner. The first wife of the petitioner was a short tempered lady and she always threatened to commit suicide. The charges have been framed in this case on 19.05.2022 and the petitioner is in custody since 18.10.2021.

5. Learned APP opposes the prayer for bail submitting that the petitioner is the husband of the daughter of the informant and she was murdered in her matrimonial home and her dead body was thrown away. The post mortem report shows cause of death to be asphyxia and shock due to smothering.

6. Having regard to the facts and circumstances and submissions made hereinabove and considering the fact that the death has been caused by smothering and the deceased was in her matrimonial home and the petitioner is her husband, I am not inclined to enlarge the petitioner on bail.

7. Accordingly, his prayer for bail is rejected.

8. However, learned trial court is directed to expedite



the trial and conclude the same at the earliest preferably within
one year.

V.K.Pandey/-

(Arun Kumar Jha, J)

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