

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24368 of 2023**

Arising Out of PS. Case No.-129 Year-2021 Thana- BHARGAMA District- Araria

Dhirendra Mandal @ Dirdir Mandal Son of Upendra Mandal R/V- Naya
Bhargama ward no. 9, PS- Bhargama Dist- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana, Advocate
For the Opposite Party/s : Ms. Nirmala Kumari, 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. Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

3. Petitioner seeks bail who is in custody since
18.08.2021 in connection with Sessions Trial No. 95 of 2022
arising out of Bhargama P.S. Case No. 129 of 2021, F.I.R. dated
17.08.2021 for the offences punishable under Sections 341, 323,
328, 302, 201, 506, 504/34 of the Indian Penal Code.

4. According to prosecution case, all the accused
persons including the petitioner have committed murder of the



daughter of the informant by giving poison.

5. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R. He further submits that it has come during investigation that the deceased had taken loan from some village cooperatives and due to this reason she has committed suicide herself. He further submits that the police after investigation submitted the charge sheet against the petitioner.

6. Vide order dated 17.07.2023 a report was called with regard to the present stage of trial. Report of the learned Trial Court dated 24.07.2023 reveals that the charge has been framed on 27.04.2022 but the prosecution has failed to produce any single witness as yet.

7. Learned counsel for the petitioner submits that in view of the report of the learned Trial Court, the trial is not likely to be concluded in the near future and the petitioner is in custody since 18.08.2021.

8. The learned Additional Public Prosecutor has



vehemently opposed the prayer for bail of the petitioner and submits that the petitioner is the husband of the deceased.

9. Considering the aforesaid facts and circumstances, 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 Sessions Judge, Araria in connection with Sessions Trial No. 95 of 2022 arising out of Bhargama P.S. Case No. 129 of 2021, 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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