

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26285 of 2022

Arising Out of PS. Case No.-786 Year-2021 Thana- KAHALGAON District- Bhagalpur

1. GOPAL MANDAL, S/o Late Bisheshwar Mandal, Resident of Village- Bansipar, P.S.- Kahalgaon, District- Bhagalpur.
2. Meera Devi, W/o Gopal Mandal, Resident of Village- Bansipar, P.S.- Kahalgaon, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr.Dr. Manoj Kumar, Advocate
For the State	:	Mr.Shyam Kumar Singh, APP
For the Informant	:	Mr.Indeshwari Pd. Mandal, Advocate

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 02-01-2023 Heard learned counsel for the petitioners, learned APP for the State and learned counsel for the informant.

The petitioners seek bail in connection with Kahalgaon P.S. Case No. 786 of 2021 registered for the offence punishable under Sections 304(B), 201 and 34 of the Indian Penal Code.

The prosecution case alleges that about seven months after her marriage, the informant's niece has allegedly been killed. It is alleged that the in-laws had taken the dead body to the burning ghat. The informant, upon receiving information at about 11:00 PM in the night, has gone to the burning ghat from where he has ensured that the body is not burnt.

Learned counsel for the petitioners submit that petitioners are mother-in-law and father-in-law of the victim. They are in



custody since 15.11.2021. Implication of all the seven accused persons, including some distant relatives, has been made on extraneous considerations and suspicion. It is obvious that informant is not an eye witness. The husband of the victim is in custody. The submission is that the petitioners by virtue of the relationship have been implicated, though they have no concerns with the affairs of the victim and her husband.

Learned APP for the State and learned counsel for the informant have opposed the prayer for bail.

Considering the rival submissions, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioners' counsel.

Prayer for bail of the petitioners is allowed.

Let the petitioners, 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, Bhagalpur, in connection with Kahalgaon P.S. Case No. 786 of 2021, subject to the following conditions:-

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



will be liable to be cancelled.

This Court would expect that the petitioners’ 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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