

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29601 of 2022

Arising Out of PS. Case No.-64 Year-2020 Thana- AMARPUR District- Banka

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Baungi Mandal @ Brahmdeo Mandal, aged about 60 years, (Male), Son Of
Late Mohan Mandal, R/O-Village- Mansarpur, P.S.- Amarpur, Dist.- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the State : Mr. Gauri Shankar Gupta, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

5 04-01-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor appearing for the State of Bihar.

The petitioner seeks bail in connection with Amarpur P.S.
Case No. 64 of 2020 (G.R. No. 318/2020) registered for the offence
punishable under Section 304(B), 34 of the Indian Penal Code.

It is alleged that the victim has been done to death at her in-
laws on account of non-fulfilment of demand of dowry. The First
Information Report (for brevity 'F.I.R.') also alleges that there was
some difference between the petitioner (father-in-law) and the victim.

The learned counsel for the petitioner submits that by virtue of
his relationship with the victim, the petitioner along with 5 (five)
other family members, including the husband has been implicated in
this case. The petitioner's wife has been allowed anticipatory bail in
Cr. Misc No. 30319 of 2022, whereas the petitioner has been
arrested, and therefore, he is in custody since 04.12.2021, i.e., more
than a year.

The Court had earlier called for copy of the case dairy, upon
going through the same, the learned counsel for the State has made
submissions, and opposed the prayer for bail.



Considering the rival submissions, the petitioner's relationship with the deceased, the claim for parity with petitioner's wife, who has been allowed anticipatory bail, the period of custody and having regard to the clean antecedent, 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) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Banka, in connection with Amarpur P.S. Case No. 64 of 2020 (G.R. No. 318 of 2020), 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 they fail to do so on two consecutive dates, their 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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