

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34868 of 2022

Arising Out of PS. Case No.-125 Year-2020 Thana- KHUTAUNA District- Madhubani

Pankaj Mandal @ Pankaj Kumar Mandal S/O Ram Narayan Mandal R/O
Village- Durgipatty, P.S.- Khutauna, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nilendu Kumar Choudhary, Advocate

For the Opposite Party/s : Mr. Rana Randhir Singh, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

5 13-02-2023 Let the defects, if any, pointed out by the office be removed within three weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks regular bail in connection with Khutauna P.S. Case No.125 of 2020 registered for the offence punishable under Sections 304(B) and 34 of the Indian Penal Code.

As per the prosecution, the marriage of the sister of the informant namely, Tulsi Kumari was solemnized with this petitioner (Pankaj Mandal) one year ago and gift items as well as cash of Rs. Two lakhs were given as dowry but his sister was killed by strangulation on account of further demand of dowry.

The main submissions advanced by learned counsel Mr. Nilendu Kumar Choudhary, appearing for the petitioner are that in the instant matter the alleged offence of Section 304 B of IPC is not made out, in fact the matter relates to suicide of the deceased and in this regard some independent witnesses namely, Chotu Mandal and Dukhi Mandal examined during the investigation, clearly stated before the investigating officer that the deceased committed suicide and the room of the deceased was closed from inside and both the said witnesses claimed to have seen the body of the deceased hanging from a *ceiling fan* and the same conclusion was made by the supervising police authority which is mentioned in the case diary and it also came into light that at the time of death of the deceased the petitioner was not present at his village rather he was present at his working place in Delhi and he had left his village three months before the alleged occurrence took place. Further submissions is that the trial of the petitioner has started and some material witnesses have been examined in which two witnesses went hostile and the brother of the deceased who was examined as PW-1 deposed in the cross-examination that the allegations of the FIR were only heard by him and he further stated in cross-examination that he cannot reveal the cause of death of his sister

and moreover, the petitioner has been languishing in jail since 26.10.2021.

Learned APP Mr. Rana Randhir Singh, appearing for the State has opposed the prayer for bail.

Heard both the sides and perused the FIR. Considering the above submissions and mainly the custody period of the petitioner, in the opinion of this Court the petitioner deserves to a lenient approach of this Court. Accordingly, let the petitioner be enlarged 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 concerned Court in connection with Khutauna P.S. Case No.125 of 2020.

(Shailendra Singh, J.)

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