

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34373 of 2023

Arising Out of PS. Case No.-392 Year-2019 Thana- FALKA District- Katihar

Rajesh Mandal S/O Battan Mandal @ Batan Mandal R/O Village- Mahabala
(Wrongly Stated As Mohaballa In The F.I.R), P.S- Rupauli, Distt.- Purnea.

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Jha, Advocate

For the Opposite Party/s : Mr.Arun Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 27-06-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Falka P.S.
Case No. 392 of 2019 registered for the offence under Sections
302, 201, 323, 324, 379 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 23.12.2022.

The allegation against the petitioner is to commit the
murder of wife of informant, who is none but mother in law of
petitioner, where suspicion was arises that occurrence was
committed by this petitioner for the reason that there was a
matrimonial discord between the petitioner and his wife i.e.



daughter of deceased and informant, for which a case under dowry Act claimed to lodge prior to this occurrence.

Learned counsel appearing on behalf of the petitioner submitted that informant is not the eye-witness of the occurrence and entire allegation is arises out of suspicion as petitioner being son-in-law having matrimonial discord with the daughter of informant and deceased. It is submitted that suspicion as raised to solemnize second marriage through present FIR is also false. It is submitted that the narration of FIR itself that a dowry case has already registered against this petitioner prior to this occurrence but a case under Section 498A of the Indian Penal Code was registered only after one year of this present occurrence i.e. on 01.11.2020. It is also submitted that nothing surfaced during the course of investigation to connect petitioner with present occurrence. While concluding the argument, it is submitted that investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, opposes the prayer of bail

Considering the facts and circumstances as mentioned above as save and except suspicion, nothing incriminating material appears during the course of investigation to connect



petitioner with present occurrence, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 23.12.2022, accordingly, petitioner above named, is directed to be released on bail in connection with Falka P.S. Case No. 392 of 2019 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-I, Katihar/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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