

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34486 of 2022

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

1. Upendra Mandal S/o Late Dukha Mandal @ Borhan Mandal
 2. Gangiya Devi W/o Upendra Mandal
- Both are resident of Village- Naya Bhargama Ward No.09, P.S.- Bhargama, District- 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 : Mr.Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 15-02-2023 Let the defect(s), 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 petitioners and the learned APP for the State.

Petitioners seek regular bail in connection with Sessions Trial No. 95 of 2022 arising out of Bhargama P.S. Case No. 129 of 2021 registered for the offences punishable under Sections 341, 323, 328, 302, 201, 506, 504, 34 of the Indian Penal Code.

As per the prosecution, the informant's daughter was



administered with poison by her husband and with the help of his family members he cremated the dead body over a demand of repayment of money taken by the deceased's husband from victim's father. It is further alleged that petitioners along with co-accused persons assaulted and threatened to kill the informant.

The main submissions advanced by the learned counsel Mr. Mukesh Kumar Rana for the petitioners are that the petitioners are father-in-law and mother-in-law of the deceased and in the FIR the main allegation of giving poison to the deceased is against the husband of the deceased as per deceased's father who lodged the FIR and marriage of the deceased took place 20 years back and the husband of the deceased is behind the bars. Further submission is that petitioners have been languishing in jail since 13.09.2021 and two similarly situated co-accused persons namely, Bilash Mandal @ Ram Bilash Mandal and Shankar Mandal have been granted bail by different benches of this court vide orders passed in Cr. Misc. No. 54944 of 2022 and Cr. Misc. No. 48267 of 2022 respectively.

Learned APP Mr. Lalan Kumar appearing for the State has opposed the bail prayer.



Having considered the above submissions and mainly the period of custody of the petitioners and also the fact that as per allegation made in the FIR the main allegation of giving poison to the victim is against the husband of the deceased as per victim's father, in the opinion of this court, both the petitioners deserve to a lenient approach of this court, let the petitioners be released on bail on furnishing bail bonds of Rs.10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Sessions Trial No. 95 of 2022 arising out of Bhargama P.S. Case No. 129 of 2021.

(Shailendra Singh, J)

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