

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44730 of 2023

Arising Out of PS. Case No.-305 Year-2022 Thana- BAHERI District- Darbhanga

1. Kanhiya Kumar @ Kanhaiya Kumar, Son of Mahabir Mandal @ Mahaveer Mandal
2. Mahaveer Mandal @ Mahabir Mandal, Son of Late Shiyaram Mandal @ Siyaram Mandal
Both Resident of Village- Madhuban P.S.- Baheri Dist- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Santosh Kumar Yadav, Advocate
For the Opposite Party/s :	Mr. Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 26-07-2023 1. Heard learned counsel for the petitioners and the learned APP for the State.

2. Petitioners seek regular bail in connection with Baheri P.S. Case No. 305 of 2022 dated 12.10.2022 registered for the offence punishable under Section 304 (B)/34 of the Indian Penal Code.

3. The main submissions advanced by the learned counsel for the petitioners are that the petitioner no. 1 is the husband of the deceased and petitioner no. 2 is the father-in-law of the deceased, as per autopsy report of the deceased the cause of death was opined due to asphyxia as a result of hanging which shows that the deceased committed suicide, the petitioner



no. 2 lives separately and he has no involvement in the family affairs of the husband of the deceased and the alleged incident took place on 10.10.2022 but the FIR was lodged on 11.10.2022 and an issue regarding the custody of the child of the deceased had arisen in between both the parties and moreover the investigation has been completed and several named co-accused persons have not been sent up by the police and petitioners surrendered before the police and have been languishing in jail since 02.03.2022.

4. Learned APP appearing for the State opposes the bail prayer.

5. Heard both the sides and perused the FIR. The victim who happened to be grand daughter (*natini*) of the informant died unnatural death within three years of her marriage in the house of the petitioners and as per the allegation she was subjected to cruelty on account of the demand of Rs. 5,00,000/- (five lacs) having not been fulfilled by her and in respect of the said allegation petitioner's specific act or role has been revealed in the present case. Considering the nature of allegation appearing against the **petitioner no. 1 namely, Kanhiya Kumar @ Kanhaiya Kumar**, this court is not inclined to enlarge him on bail at this stage. Accordingly, his



bail prayer stands rejected.

6. So far as, the prayer of petitioner no. 2 (Mahaveer Mandal @ Mahabir Mandal) is concerned as he is stated to be father-in-law of the deceased and he has taken the plea that he resides separate from the husband of the deceased in respect of his all family affairs and in the FIR any specific role of him in the commission of the alleged occurrence has not been revealed. So, in the opinion of this court the petitioner no.2 deserves to the privilege of bail. Accordingly, **let the petitioner no. 2 (Mahaveer Mandal @ Mahabir Mandal) be enlarged on bail** in connection with Baheri P.S. Case No. 305 of 2022 on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned.

(Shailendra Singh, J)

Rajiv/-

U		T	
---	--	---	--

