

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47431 of 2023

Arising Out of PS. Case No.-88 Year-2021 Thana- BARIYARPUR District- Munger

1. Manoj Mandal son of Late Sital Mandal Village- Gandhipur Ps- Bariarpur Dist- Munger
2. SITA DEVI wife of Manoj Mandal Village- Gandhipur Ps- Bariarpur Dist- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumar Kamal Nayan, Advocate
For the Opposite Party/s : Mr.Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 11-08-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners apprehend their arrest in connection with G.R.No. 1730 of 2021 arising out of Bariyarpur P.S. Case No. 88 of 2021 for the offence registered under Sections 398A/304B/34 of the Indian Penal Code lodged on 23.07.2021 by the informant, Shailesh Kumar.

As per the prosecution story, the informant got knowledge that his daughter has fallen in the bathroom due to which she died. However, he had apprehension that she has been killed by the in-laws for not fulfilling demand of Rs. One lakh. Accordingly, the FIR.



Learned counsel for the petitioner submits that the two petitioners are parents living separately. The post-mortem report does not support the prosecution theory and the last submission is that her husband is in custody.

Learned APP for the State opposes the prayer for bail.

Considering the aforesaid submissions put forward by the learned counsel for the petitioner as also that the husband is in custody and the petitioners do not have criminal antecedent, this Court is inclined to grant them privilege of bail with conditions.

Let the petitioners, in the event of their arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-II, Munger in connection with G.R. No. 1730 of 2021 arising out of Bariarpur P.S. Case No. 88 of 2021, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his/her *bona fide*;

(ii) the petitioners shall appear on each and every date



before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial court itself;

(iii) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of their bail bonds;

(iv) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

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