

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.53849 of 2022**

Arising Out of PS. Case No.-576 Year-2019 Thana- ARARIA District- Araria

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Sadanand Mandal, S/o Jhangur Mandal R/o village- Baretha, Ward No.- 9,  
P.S.- Kasaba, District- Purnea

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Praveen Kumar Agrawal, Advocate  
For the Opposite Party/s : Mr. Mithlesh Kumar Khare, APP

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**CORAM: HONOURABLE MR. JUSTICE A. M. BADAR**  
**ORAL ORDER**

2      12-05-2023                      The applicant/accused in Sessions Trial No. 56 of 2020 pursuant to Crime No. 576 of 2019 registered with Araria Police Station for the offences punishable under Sections 304(B) and 120(B) read with Section 34 of the Indian Penal Code, so also under Sections 3 and 4 of the Dowry Prohibition Act, by this application is seeking his release on bail during pendency of the trial. This is his third bail application.

The learned counsel appearing for the applicant/accused vehemently argued that there is no iota of evidence to connect the applicant with the crime in question. It is argued that the marriage was solemnized on 26.06.2019 and daughter-in-law of the applicant died on 20.07.2019. Three days prior to her death, she was at her parental house. It is further argued that it was co-accused Rajesh Kumar Mandal



who was in company of the deceased at the time of the incident and in all probability said Rajesh Kumar Mandal had committed murder of Chandani Kumari. However, the applicant being father of Rajesh Kumar Mandal, is falsely implicated to the crime in question. It is further argued that the applicant is undergoing pretrial detention from 24.07.2019.

The learned Additional Public Prosecutor opposed the application by contending that the crime in question is serious.

I have considered the submissions so advanced and also perused the materials made available including the FIR lodged by First Informant Om Prakash Mandal and statement of Siku Paswan and Devlal.

On 22.06.2020, the first bail application was rejected by my learned Predecessor by observing that on consideration of the materials available on the record, no case for grant of bail is made out and at the same time, the trial was directed to be completed within nine months. On 27.01.2022, second bail application was rejected with an observation that there are no changes in circumstances warranting entertainment of second bail application.

Now the position is the trial is not yet completed.



The applicant is undergoing pretrial detention right from 24.07.2019. Material on record shows that Chandani Kumari (since deceased) married Rajesh Kumar Mandal - son of the applicant on 26.06.2019. Thereafter, she was taken to her parental house by her husband/accused Rajesh Kumar Mandal on 17.07.2019. On 20.07.2019, Rajesh Kumar Mandal took her for her Journey to her matrimonial house. It appears that during course of that journey, said Chandani Kumari came to be murdered. It is case of the prosecution that there used to demand of dowry and deceased Chandani Kumari was subjected to cruelty by her in-laws. Dead body of Chandani Kumari was found on the way to her matrimonial house from her parental house.

Chandani Kumari was in company of co-accused Rajesh Kumar Mandal at the time of leaving her parental house situated in Araria District. Her dead body was found in Araria District itself whereas matrimonial house of Chandani Kumari is at Purnea District. Prima facie there is no witness to speak that the applicant had also accompanied Chandani Kumari during the course of her journey from her parental house to her matrimonial house. The condition of the dead body found at the way prima facie demonstrates commission



of murder of Chandani Kumari. However charge against the present applicant is the one for the offence of Section 304(B) of the Indian Penal Code, i.e., dowry death apart from indulging in criminal conspiracy. The applicant is behind bars from July 2019. The trial will take its own time to finish. Hence the applicant is entitled for bail.

However, it is made clear that parity should not be claimed on the basis of this order by co-accused Rajesh Kumar Mandal as his role is totally different than the role attributed to the applicant herein from the record available. Hence, the orders:-

i. The application is allowed.

ii. The applicant/accused in Sessions Trial No. 56 of 2020 pursuant to Crime No. 576 of 2019 registered with Araria Police Station be released on bail on executing P.R. bond of Rs.10,000/- (Rupees Ten Thousand) on furnishing surety of the like amount to the satisfaction of the trial court with the following conditions: -

(I) The applicant/accused should not extend any threat, promise of inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.



(II) The applicant/accused should cooperate the trail court in expeditious disposal of the trial against him.

(III) The applicant/accused should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.

The applicant to remove the defects pointed out by the registry and thereafter, the order be uploaded.

**(A. M. Badar, J)**

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