

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 59116 of 2023

Arising Out of PS. Case No.-27 Year-2023 Thana- BUDHUCHAK District- Bhagalpur

1. GAURAV KUMAR @ GAURAV MANDAL S/O JANARDAN MANDAL
R/O VILLAGE- SUBBANAGAR, PS. BUDDHUCHAK, DIST. BHAGALPUR
2. SIMA DEVI W/O GAURAV KUMAR @ GAURAV MANDAL R/O
VILLAGE- SUBBANAGAR, PS. BUDDHUCHAK, DIST. BHAGALPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Davendra Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 05-09-2023 Heard the parties.

2. The petitioners are in custody in connection with Buddhuchak P.S. Case No. 27 of 2023 for the offence under sections 302, 201, 120(B), 323, 504, 34 of the Indian Penal Code and 3/4 of Dowry Act lodged on 29.04.2023 by the informant, Ram Sakal Mandal.

3. As per the prosecution story, the lady was married to Saurabh Mandal but was tortured for dowry and on the fateful day, allegation is that after administering poison, her body was thrown in the river Ganga. Accordingly the FIR.

4. Learned counsel for the petitioner submits that they are the brother-in-law (bhaisur) and sister-in-law (gotni), living



separately, had nothing to do with the alleged act, only because of being family members, have been implicated and are in custody since 01.05.2023 (as stated in paragraph 14 of the petition). Further, the husband Saurav Mandal is in custody and they are ready to appear before the Trial Court on each and every date.

5. Learned APP opposes the prayer for bail.

6. Though, it is unfortunate that a lady lost her life and did not get even right to be properly cremated, the petitioners are brother-in-law and sister-in-law, the husband is in jail, FIR lodged and ultimately have to face the trial, this Court is inclined to extend them the privilege of bail with conditions.

7. Let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned S.D.J.M., Bhagalpur, in connection with Buddhuchak P.S. Case No. 27 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner 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 the 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 their bail bonds.

8. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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