

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.65175 of 2022**

Arising Out of PS. Case No.-5 Year-2022 Thana- SAKRI District- Madhubani

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SANJAY MANDAL S/O Farebi Mandal R/O Village- Gandhwari Sonedai  
Pokhar Tola, P.S- Sakri, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Subhash Kumar Jha, Advocate

For the Opposite Party/s : Mr. Lalan Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

5      01-08-2023                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. Petitioner seeks bail, who is in custody since 21.06.2022, in connection with Sakri P.S. Case No. 05 of 2022, F.I.R. dated 05.01.2022 registered for the offences punishable under Sections 302, 34 of the Indian Penal Code.

3. Allegation against the petitioner is that he along with other co-accused persons killed the daughter of the informant by giving her poison.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case merely on the ground that the petitioner is the husband of the deceased. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner



has not committed any offence as alleged in the F.I.R. He further submits that it has come during investigation that the deceased has committed suicide herself and as per allegation in the F.I.R. that the petitioner and other co-accused person had killed the daughter of the informant by giving her poison but the postmortem report as well as FSL report does not support the allegation as alleged in the F.I.R. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 21.06.2022.

5. The learned Additional Public Prosecutor for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that a number of anti mortem injuries were found on the person of the deceased but fairly submits that in the postmortem report as well as FSL report (viscera) not found any poison. Further submits that the petitioner carries two more cases other than the present one but fairly submits that one case is being disposed of on the basis of compromise and in another case the petitioner is on bail.

6. Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of



learned Chief Judicial Magistrate, Madhubani in connection with Sakri P.S. Case No. 05 of 2022, subject to the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

**(Rajesh Kumar Verma, J)**

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