

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67096 of 2022**

Arising Out of PS. Case No.-140 Year-2022 Thana- MURLIGANJ District- Madhepura

Birendra Mandal @ Birendra Kumar Son Of Janardan Mandal R/O Vill.-
Dharhara Ward No. 5, P.S.- Murliganj, Distt.- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Advocate.

For the Opposite Party/s : Mr. Atul Chandra, APP.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 23-03-2023 Learned counsel for the petitioner is permitted to
remove defect (s), as pointed out by the office, if any, within a
period of four weeks on resumption of physical mode.

Heard learned counsel for the petitioner and learned
A.P.P for the State.

The petitioner has preferred this application for grant
of regular bail in a case registered under section 304B read with
Section 34 of the Indian Penal Code.

As per the prosecution case, the petitioner and the co-
accused persons are alleged to have committed murder of the
daughter of the informant due to non-fulfillment of demand of



dowry while she was pregnant.

Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. No such occurrence as alleged has ever taken place. There is general and omnibus allegation against the petitioner. The petitioner is the husband of the deceased. Learned counsel has further submitted that the daughter of the informant herself committed suicide. Learned counsel has also submitted that the post mortem report of the diseased shows that the cause of death is asphyxia probably due to hanging. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 28.06.2022.

Learned A.P.P. for the State has vehemently opposed the prayer of bail of the petitioner.

Considering the aforesaid facts and circumstances of the case as well as the period of custody and the allegation being general and omnibus, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Madhepura in connection with Murliganj P. S. Case No. 140 of 2022 with the condition:-



1. the petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner is liable to be cancelled.

The application stands allowed.

(Chandra Prakash Singh, J)

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