

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68783 of 2022

Arising Out of PS. Case No.-344 Year-2022 Thana- NARPATGANJ District- Araria

1. Shivan Mandal Son Of Hirai Mandal R/O Village- Durgapur, Ward No.06, P.S.- Narpatganj, District- Araria
2. Rajmani Devi Wife Of Sarbod Mandal R/O Village- Durgapur, Ward No.06, P.S.- Narpatganj, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ramesh Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Rajiv Nayan, APP
For the Informant	:	Mr. Prabhakar Abhijeet, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 08-05-2023 Heard learned counsel for the petitioners, learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor for the State.

Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Petitioners seek bail where petitioner no.1, namely, Shivan Mandal is in custody since 13.09.2022 and petitioner no.2, namely, Rajmani Devi is in custody since 25.09.2022 in connection with Narpatganj P.S. Case No. 344 of 2022, F.I.R. dated 28.07.2022 for the offences punishable under Sections 302(B)/34 of the Indian Penal Code.



According to prosecution case, all the accused persons including the petitioners as well as her husband have murdered the daughter of the informant due to non-fulfillment of demand of dowry.

Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case merely on the ground that the petitioners are the in-laws of the deceased. He further submits that it appears from the F.I.R. that there is general and omnibus allegation against all the accused persons including the petitioners. He further submits that the petitioner no.1, namely, Shivan Mandal is father-in-law of the deceased and petitioner no.2, namely, Rajmani Devi is sister-in-law of the deceased and it has come during investigation that the deceased had committed suicide herself. He further submits that the husband of the deceased is already in custody. The petitioner no.1, namely, Shivan Mandal is in custody since 13.09.2022 and petitioner no.2, namely, Rajmani Devi is in custody since 25.09.2022.

The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioners.



Considering the aforesaid facts and circumstances, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Araria in connection with Narpatganj P.S. Case No. 344 of 2022, subject to the following conditions:-

1. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners tamper with the evidence or the witnesses, 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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