

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25584 of 2024

Arising Out of PS. Case No.-851 Year-2019 Thana- KAHALGAON District- Bhagalpur

Kishan Mandal, S/o Umesh Mandal, R/o village - Pakisaraye, P.S. - Ghogha
(Kahalgaon), Distt. - Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepak Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 02-08-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Kahalgaon P.S. Case No. 851 of 2019, registered for the alleged offences under Sections 302, 201 and 34 of the Indian Penal Code.

3. As per prosecution case, the petitioner killed his wife and tried to dispose of her dead body.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. From the F.I.R. itself, it is evident that the petitioner himself informed the informant that daughter of the informant who was wife of this petitioner has left her matrimonial home.



But the informant did not lodge any report at that time and he lodged the present case only when a dead body of a lady was found. Learned counsel further submits that it is not even clear that the dead body recovered is the dead body of the daughter of the informant. The police, instead of doing proper investigation in matter, closed the case on the basis of statement of the informant. The wife of the petitioner is still traceless and might be alive. Learned counsel further submits that the petitioner is in custody since 14.12.2019 and till date only 4 witnesses have been examined and there is no likelihood of early conclusion of trial. The petitioner is having no criminal history.

5. Learned APP opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the remoteness of allegation, period of custody of the petitioner and the delay in conclusion of trial, the petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned court of XVIth Additional District Judge and Sessions Judge , Bhagalpur, in connection with Kahalgaon P.S. Case No.851 of 2019, subject to the following conditions:



- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

lata/-

U		T	
---	--	---	--

