

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38023 of 2024

Arising Out of PS. Case No.-177 Year-2023 Thana- GHOGHARDIHA District- Madhubani

1. Shrawan Mandal, Male, aged about 55 years, Son of Late Laxmi Mandal.
2. Bhim Mandal, Male, aged about 25 years, Son of Shrawan Mandal. Both Residents of village - Pirojgadh, P.S. - Ghoghardiha, District – Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baleshwar Kamat, Advocate

For the Opposite Party/s : Mr. Satyendra Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

3 01-08-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners seek bail in connection with Ghoghardiha P.S. Case No. 177 of 2023 instituted for the offences punishable under Sections 304(B) and 120(B)/34 of the Indian Penal Code.

3. As per the prosecution case, it is a case of demand of dowry against the petitioners and his family members.

4. Learned counsel for the petitioners submits that the petitioners are innocent have committed no offence and have falsely been implicated in this case. He further submits that petitioner no. 1 is the father of petitioner no. 2 and uncle of co-accused Bidyanand Mandal (husband of the deceased). He next submits that the petitioners have no concerned with demand of



dowry and torture. There is no any eye witness to the occurrence. Petitioners being uncle and cousin brother of the husband of the deceased are separate in mess and business since long time. Petitioners have got clean antecedent as stated in para 3 of the petition is in custody since 20.11.2023.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR, case diary, postmortem report and impugned order of the learned Sessions Judge, Madhubani dated 01.04.2024, it appears that on the basis of written report of the informant Lalit Ram (father of the deceased) has lodged an FIR under Sections 304(B) and 120(B)/34 of the Indian Penal Code against four accused persons including the petitioners. From perusal of the FIR, there is specific allegation of demand of dowry against the husband of the deceased namely Bidyanand Mandal, not against these petitioners. The name of the petitioners have been surfaced only on the basis of suspicion. Petitioner no. 1 is the father of petitioner no. 2 and uncle of co-accused Bidyanand Mandal (husband of the deceased). From perusal of the postmortem report, it also appears that the doctor has opined the death cause by asphyxia due to hanging, so considering all aspects of the matter, period of custody, I am inclined to grant bail to the



petitioners. Let the petitioners above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-1st, Class, Jhanjharpur, Madhubani in connection with Ghoghardiha P.S. Case No. 177 of 2023.

(Ramesh Chand Malviya, J)

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