

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40170 of 2024

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

Baijnath Mandal, son of Late Ram Kumar R/O - Vill- Pirojgadh, P.S-
Ghoghardiha, Dist- Madhubani

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 18-09-2024 Heard learned counsel appearing on behalf of the

petitioner and Mr. Satyendra Prasad, learned A.P.P. for the

State.

2. Petitioner seeks bail in connection with

Goghardiha P.S. Case No. 177 of 2023 (G.R. No.

2038/2023) registered for the offences under Sections

304(B), 120(B)/34 of the Indian Penal Code.

3. The petitioner is named in the First Information

Report and is in custody since 20.11.2023.

4. Allegation against the petitioner is to cause

death of the daughter of informant alongwith other co-

accused persons/family members due to non-fulfillment of

demand of dowry as raised for cash of Rs. Three Lakhs.



5. It is submitted by learned counsel appearing on behalf of the petitioner that implication of petitioner is only out of relation as he is the cousin brother of husband of the deceased, who lives separately much prior to the occurrence. It is further submitted that allegation *qua* demand of dowry and mental cruelty is appearing very much general and omnibus against the petitioner. It is submitted that the thrust of allegation is available against the husband, who is now in judicial custody.

6. It is pointed out by learned counsel that other similarly situated co-accused/cousin-in-laws were granted bail by one of the learned coordinate Bench of this Court through Cr. Misc. No. 38023/2024 dated 01.08.2024, and, therefore, the discipline of parity suggests that this petitioner is also entitled for bail. While concluding argument, it is submitted that investigation of this case is completed and, as such, there is no chance of tampering with the evidence and, moreover, petitioner is a man of clean antecedent.

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



8. Considering the facts and circumstances as mentioned above and by taking note of the fact as petitioner is cousin-in-law of the deceased daughter of the informant, who claimed to live separately much prior to the occurrence, coupled with the fact that petitioner is in custody since 20.11.2023, where investigation of this case is completed, accordingly, above-named petitioner is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate - 1st Class, Jhanjharpur, District - Madhubani/concerned court, in connection with Goghardiha P.S. Case No. 177 of 2023 (G.R. No. 2038/2023), subject to the condition as laid down under Section 437(3) Cr.P.C/Section 480(3) of the Bhartiya Nyaya Suraksha Sanhita (in short "B.N.S.S.").

(Chandra Shekhar Jha, J.)

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