

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**CRIMINAL MISCELLANEOUS No.63229 of 2024**

Arising Out of PS. Case No.-5 Year-2024 Thana- SIKTI District- Araria

Kishore Mandal @ Kishore Kumar Mandal Son of Sri Chet Narayan Mandal  
Resident of village- Teera Kharadh, ward no. 4, P.S.- Sikti, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Rama Nand Poddar, Advocate

For the Opposite Party/s : Mr. Nand Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**

**ORAL ORDER**

2 20-09-2024

Heard the parties.

2. The petitioner is in custody in connection with Sikti P.S. Case No. 05 of 2024 for the offence punishable under Sections 304(B) and 120(b) of the Indian Penal Code lodged on 19.01.2024 by the informant, Mitanal Mandal.

3. As per the prosecution story, the informant's daughter was married to Kishore Mandal but was tortured for dowry and subsequently, the informant came to know about her killing. As they reached the place, funeral took place. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that he had very good relationship with his wife but due to minor tiff, she committed suicide, his life has already become miserable and now is implicated in the present case in which he is in custody since 20.01.2024 (paragraph-15 of the petition).

5. Learned counsel for the petitioner further submits that though the FIR was lodged under Sections 304B and 120(b) of the India Penal Code, subsequently, cognizance has been taken under Section 306 of the IPC in view of the fact that the *postmortem*



report has incorporated the cause of death as asphyxia due to hanging and as such, it was not a strangulation.

6. Learned APP opposes the prayer for bail and submits that there is nothing on record to show that the cognizance has taken under Section 306 of the IPC.

7. Learned counsel for the petitioner submits that he has knowledge about it and this statement be recorded that in case, the submission put forward regarding cognizance under Section 306 IPC is incorrect, the order shall become infructuous, in case, the bail is extended to the petitioner.

8. Considering the aforesaid facts that has emerged as also the observation of learned Sessions Judge that the death is due to asphyxia by hanging, he has remained in custody since 20.01.2024 and as per the undertaking, will be diligently appearing in trial, this Court is inclined to extend him the privilege of bail with conditions.

9. However, if it is found that the statement regarding the cognizance taken under Section 306 of the Indian Penal Code is incorrect, the order shall become infructuous.

10. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria, in connection with Sikti P.S. Case No. 05 of



2024 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

**(Rajiv Roy, J)**

Adnan/-

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