

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70102 of 2024

Arising Out of PS. Case No.-88 Year-2024 Thana- ALAMNAGAR District- Madhepura

Dukha Mandal @ Dukh Mandal, Son of Late Hari Lal Mandal, R/o village-
Shivrampur Tola Chandansara (Chandrasara), Ward No. 03, P.S.- Alamnagar,
District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pawan Kumar, Advocate

For the Opposite Party/s : Mr. Shahabuddin Azeem @ S. Azeem, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 03-10-2024 Heard Mr. Pawan Kumar, learned Advocate for the
petitioner and learned APP for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Alamnagar P.S. Case No. 88 of 2024
registered for the offences punishable under Sections 302,
304(B)/34 of the Indian Penal Code.

3. Based upon the written report, the prosecution
alleges that the marriage of the daughter of the informant was
solemnized with the son of petitioner in the year 2022.
However, soon after the marriage, she was subjected to demand
of dowry and on account of non-fulfillment of the same, she was
done to death by all the family members of the in laws,
including the petitioner.



4. Learned Advocate for the petitioner contended that in fact on account of some dispute between the husband and the wife, the deceased committed suicide, but subsequently in order to wreck vengeance and put pressure, the names of the family members, including the petitioner, have been implicated in this case. The petitioner is non-else, but the father-in-law of the deceased, having no concern with the day-to-day affairs of the deceased and her husband. The petitioner has been residing separately and has never interfered with the family life of his deceased daughter-in-law. Moreover, there is no eye witness to the alleged occurrence and the entire case is based on presumption of dowry death. The petitioner has now been incarcerated since 14.03.2024 and after completion of the investigation, charge-sheet has been submitted.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the deceased died in suspicious circumstances and soon before her death, there was demand of dowry and, as such, presumption of dowry death cannot be ruled out.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner is father-in-law of the deceased and the reason of death is



opined to be asphyxia, caused by hanging, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Udakishunganj, Madhepura in connection with Alamnagar P.S. Case No. 88 of 2024, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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