

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70280 of 2024

Arising Out of PS. Case No.-106 Year-2024 Thana- TRIVENIGANJ District- Supaul

Chandeshwari Mandal, Son of Late Narayan Mandal, Resident of Gajahar,
Ward no. 02, P.S.- Triveniganj, Dist.- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Raj Ballabh Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 03-10-2024 Heard learned Advocate appearing on behalf of the

petitioner and the learned Additional Public Prosecutor for the

State.

2. The application for grant of bail to the petitioner
who is in custody in connection with Triveniganj P.S. Case No.
106 of 2024 registered for the offence punishable under Sections
304-B, 302 and 34 of the Indian Penal Code.

3. Based upon the written report the prosecution
alleges that the marriage of the sister of the informant was
solemnized with the son of the petitioner. 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 and her
dead body was hanged on a tree.

4. Learned Advocate appearing on behalf of the



petitioner referring to the FIR contended that the narrations made therein clearly suggest that it was a love marriage and, as such, the allegation of any demand of dowry, does not inspire any confidence. It is further contended that the dead body of the deceased was not recovered from the house of the petitioner and in fact on a far distant place and, as such, the complicity of the petitioner even in assisting in causing the death of the deceased, does not arise. The petitioner is father-in-law having no concern with the affairs of the son and the deceased daughter-in-law. Only because of he being father-in-law, his name has been implicated in this case. The falsity of the prosecution case is also evident as even the persons who are distant relatives, their names have been implicated in this case. There is no eye-witness to the alleged occurrence and the post-mortem report suggest that cause of death is asphyxia due to hanging. It is lastly contended that so far the husband of the deceased is concerned, he has already surrendered before the Court below on 22.04.2024.

5. On the other hand, learned Additional Public Prosecutor for the State vehemently opposes the bail application and submits that the deceased was done to death just within a year of the marriage and soon before her death, there was a



demand for 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 and there is omnibus nature of allegation against all the family members coupled with the post-mortem report which suggest no internal and external injury over the body of the deceased and the cause of death is shown to be asphyxia due to 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 Additional Chief Judicial Magistrate-I, Supaul in connection with Triveniganj P.S. Case No. 106 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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