

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.81117 of 2024**

Arising Out of PS. Case No.-128 Year-2021 Thana- PARBATTI District- Bhagalpur

Sarvesh Mandal @ Suresh Mandal Son of Late Fakir Mandal Resident of  
Village - Gonarchak, P.S. - Parbatta, District - Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                            |                                                                                                      |
|----------------------------|------------------------------------------------------------------------------------------------------|
| For the Petitioner/s :     | Mr. Ranjan Kumar Jha, Advocate<br>Mr. Vikas Kumar, Advocate<br>Mr. Mirtyunjay Kumar Mishra, Advocate |
| For the Opposite Party/s : | Mr. Satyendra Narayan Singh, APP                                                                     |

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA**  
**ORAL ORDER**

2      29-11-2024                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Parbatta P.S. Case No. 128 of 2021 registered on 17.10.2021 for the alleged offences under Sections 302, 201/34 of the Indian Penal Code.

3. This is the second attempt of the petitioner to seek bail from this Court. Earlier his prayer for bail was rejected by this Court vide order dated 18.05.2023 passed in Cr. Misc. No. 20898 of 2023 with direction to the learned trial court to expedite the trial and conclude the same at the earliest preferably within a period of one year.

4. As per prosecution case, the daughter of the informant was married with the petitioner and she was done to



death by the petitioner and other co-accused persons. Four years after, this petitioner solemnized another marriage with one Kajal Devi.

5. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The marriage was solemnized 12 years prior to lodging of the FIR. The petitioner and the deceased have two children out of this wedlock. The wife of the petitioner jumped into a well after some altercation and committed suicide and this petitioner has become a victim of circumstances. Petitioner is in custody since 18.10.2021 and charge have been framed on 19.05.2022 and till date only four witnesses have been examined out of six charge sheet witnesses. Learned counsel further submits that earlier when the petitioner moved for bail before this Court, specific direction was given to the learned trial court to conclude the trial within one year but despite specific direction, trial has not been concluded.

6. Learned APP opposes the prayer for bail submitting that post-mortem report shows cause of death to be asphyxia and shock due to smothering. Learned APP further submits that daughter of the informant was murdered in her matrimonial home and her dead body was thrown away.



7. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the period of custody of the petitioner and also considering the likelihood of delay in concluding the trial before the learned trial court, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 2<sup>nd</sup> Additional Sessions Judge, Naugachia, Bhagalpur /concerned court in connection with Parbatta P.S. Case No. 128 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will be liable to be cancelled by the court concerned.

**(Arun Kumar Jha, J)**

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