

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81198 of 2024

Arising Out of PS. Case No.-61 Year-2022 Thana- EKCHARI District- Bhagalpur

Upendra Mandal @ Sugali Prasad Son of Late Shiv Mandal Resident of
Village -Khabaspur, P.S.- Ekchari, Dist. -Bhagalpur, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajit Maraiya, Advocate

For the Opposite Party/s : Mr.Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 13-12-2024 Heard Mr.Ajit Maraiya, learned counsel for the
petitioner and Mr.Narsingh Tanti, learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
06.12.2023 in connection with Session Case No.594 of 2024
arising out of Ekchari P.S. Case No.61 of 2022, F.I.R. dated
04.11.2022 registered for the offence punishable under Sections
498(A),304(B),313,201,34 of IPC.

3. Allegation against the petitioner and other co-
accused persons is of committing torture upon the victim due to
non-fulfillment of demand of dowry.

4. Learned counsel appearing for the petitioner
submits that the petitioner has clean antecedent and he has
falsely been implicated in the present case. The allegation as
alleged in the FIR is false and fabricated and the petitioner has
not committed any offence as alleged in the FIR. The marriage



of the victim was performed with the petitioner since long back in 2007 and no cogent material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence but the police, after investigation, submitted chargesheet against the petitioner under Sections 306,201,34 of IPC. Further submits that co-accused persons, namely, Balmiki Mandal, Ashok Mandal and Shiromani Devi, they are family members of the petitioner, have been granted privilege of anticipatory bail by this Court vide order dated 09.05.2024 passed in Cr. Misc. No.26201 of 2024 and the petitioner is in custody since 06.12.2023.

5. Learned APP for the State has opposed the prayer for bail of the petitioner.

6. Considering the aforesaid fact, petitioner has clean antecedent, police, after investigation, submitted chargesheet against the petitioner under Sections 306,201,34 of IPC and co-accused persons, namely, Balmiki Mandal and others, they are family members of the petitioner, have been granted privilege of anticipatory bail by this Court let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge-IVth,



Bhagalpur in connection with Session Case No.594 of 2024 arising out of Ekchari P.S. Case No.61 of 2022,with the following conditions:-

(I) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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