

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81737 of 2023

Arising Out of PS. Case No.-1214 Year-2022 Thana- SUPAUL District- Supaul

1. Bimla Devi W/O Yogendra Mandal Resident Of Village- Dhapariya, Police Station- Supaul (Lokha O.P.), District- Supaul.
2. Yogendra Mandal Son Of Swaruplal Mandal Resident Of Village- Dhapariya, Police Station- Supaul (Lokha O.P.), District- Supaul.
3. Chandan Mandal @ Chandan Kumar Son Of Kamal Mandal Resident Of Village- Dhapariya, Police Station- Supaul (Lokha O.P.), District- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Naresh Kumar Mehta, Advocate
For the Opposite Party/s : Mr. Dinesh Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 10-01-2024 Heard Mr. Naresh Kumar Mehta, learned counsel

appearing on behalf of the petitioners and the learned Additional

Public Prosecutor for the State.

2. The petitioners apprehend their arrest in connection
with Supaul P.S. Case No. 1214 of 2022, registered for the
offences punishable under Sections 302/34 of the Indian Penal
Code.

3. It is alleged that the marriage of the daughter of the
informant was solemnized with co-accused Anil Mandal, 11
years ago and from their wedlock they are blessed with two
daughters. It is further alleged that after 5 - 6 years of her



marriage, her husband alongwith his family members started torturing her and on 28.12.2022 he received an information that his daughter is done to death by her husband alongwith his family members. On the aforesaid information when the informant reached the matrimonial house of his daughter, he found injuries over the dead body of the deceased and the family members were absconded.

4. Learned counsel appearing on behalf of the petitioners submits that the petitioner no. 1 is (Gotni) Sister-in-law, whereas petitioner no. 2 is (Bhaisur) Brother-in-law and the petitioner no. 3 is nephew of the deceased and save and except, they being family members, there is no specific allegation of any overt act. That apart, the marriage was solemnized 11 years ago and, as such, after a decade any allegation of torture does not inspire any confidence. He further submits that police after investigation, having found no evidence against the petitioners, submitted final form and they have not even been sent up for trial. However, differing with the final report the learned Court has taken cognizance and, thus the present application. The copy of the final report has been brought on record as annexure 2 to the application. He lastly submits that the petitioners are persons of fair antecedent and they undertake that they will fully



cooperate in the proceeding of the Court.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the police has submitted final report showing the petitioners as innocent and differing with the final report, the learned Court has taken cognizance, coupled with their fair antecedent, let the petitioners above named be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate in connection with Supaul P.S. Case No. 1214 of 2022, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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