

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2293 of 2024

Arising Out of PS. Case No.-268 Year-2022 Thana- TRIVENIGANJ District- Supaul

Saroj Kumar Mandal S/o Yogendra Mandal R/o VILLAGE - LALBIHARI
KHUT, WARD NO. 09, POLICE STATION TRIVENIGANJ, DISTRICT-
SUPAUL

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun, Advocate

For the Opposite Party/s : Mr. Ramchandra Sahni, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

5 26-04-2024

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Sessions Trial no. 423 of 2022, arising out of Triveniganj P.S. Case no.268 of 2022, registered under sections 304B and 34 of the Indian Penal Code.

3. As per the prosecution case, the informant states that his daughter who was married to the petitioner herein was tortured for non-fulfillment of the demand of dowry to the tune of Rs. 40,000/-. The informant further states that he received information that the dead body of his daughter was in the Triveniganj Sub-Divisional Hospital. On reaching there, he found some marks on her neck and as such the informant states that he is convinced that she was done to death by the accused



persons.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case only for the reason that he happens to be the husband of the deceased. From the contents of the FIR itself it would be evident that the daughter of the informant was taken to the hospital and information was given to the informant. If the petitioner had been involved in the occurrence in any manner, the deceased would not have been taken to the hospital. The petitioner is in custody since 2.6.2022 and as per instructions received, not a single witness has been examined. Thus there is no chance of the trial concluding in the near future.

5. The application for bail is opposed by learned APP for the State who submits that the petitioner is the husband of the deceased and as per the contents of the postmortem report, the death of the deceased daughter of the informant took place as a result of asphyxia due to strangulation.

6. A report was called for from the learned trial Court. As per the report received dated 18.4.2024 of the Additional District & Sessions Judge-III, Supaul, the sessions trial is pending for examination of prosecution witnesses and summon has been issued to the witnesses, however, no prosecution



witness has been examined yet.

7. Having heard learned counsel for the parties and taking into consideration the petitioner being the husband of the deceased, the allegations in the FIR and the cause of death in the postmortem report, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

8. Taking into consideration the petitioner having remained in custody for about 2 years since 2.6.2022, the learned trial Court is directed to expedite the trial and to conclude the same at the earliest preferably within a period of six months from the date of communication of this order.

(Partha Sarthy, J)

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