

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1186 of 2025

Arising Out of PS. Case No.-177 Year-2023 Thana- GHOGHARDIHA District- Madhubani

Vidya Nand Mandal Son of Late Birju Mandal @ Braj Kumar Mandal R/O-
Village- Pirojgadh, P.S.- Ghoghardiha, District- Madhubani.

... .. Appellant/s

Versus

1. The State of Bihar bihar
2. Lalit Ram Son of Dhanik Lal Ram R/O- Village- Pirojgadh, P.S.-
Ghoghardiha, District- Madhubani.

... .. Respondent/s

Appearance :

For the Appellant	:	Mr. Gagandeo Yadav, Advocate Mr. Ravi Prakash, Advocate
For the State	:	Mr. Sadanand Paswan, SPP
For the Informant	:	Mr. Jitendra Kumar Bharti, Advocate

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 26-06-2025 Heard learned counsel for the appellant, learned Special

Public Prosecutor for the State and learned counsel for the

informant.

2. The instant appeal has been filed by the appellant

against the order dated 19-12-2024 passed by learned Additional

Sessions Judge -1st- cum- Special Judge, Madhubani whereby

the prayer for bail of the appellant in connection with

Ghoghardiha PS Case No. 177 of 2023 under Sections 304(B),

120(B) & 34 of the Indian Penal Code (for short 'IPC') and



Sections 3(i)(r)(s) /(wi)(2)(v) of SC/ST Act was rejected.

3. The prosecution case is that the informant's daughter, married to co-accused Bidyanand Mandal (appellant), was subjected to dowry demands and cruel treatment. She was forced to sleep in a cowshed and was physically and mentally tortured by her husband and other accused persons. Fifteen days after Bidyanand left for work, he allegedly conspired with others to kill her by throttling, leading to her death.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. Appellant is the husband of the deceased. Learned counsel for the appellant mainly submits that appellant was not present at the place of occurrence, as is evident from perusal of the FIR itself. There is no specific allegation against the appellant, rather allegation is general and omnibus in nature. Learned counsel for the appellant further submits that the appellant has not taken the caste name of the informant in public view. Hence, no offence under the provisions of SC/ST Act is made out against him. The appellant has no intention to disgrace the image of the informant in public view. The appellant is in custody since 30-08-2024 and has no criminal antecedent.



5. Learned Special P.P. for the State and the informant have vehemently opposed the prayer for grant of bail to the appellant. As per postmortem report, cause of death is asphyxia due to hanging.

6. Considering the aforesaid facts and circumstances of the case, there being no specific allegation against the appellant as also the fact that he was not present at the place of occurrence and the period of custody undergone by the appellant, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 19-12-2024 passed by Additional Sessions Judge -1st- cum- Special Judge, Madhubani is hereby set aside.

7. Let the appellant 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 Court below/concerned Court in connection with Ghoghardiha PS Case No. 177 of 2023, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the appellant.

(II) The appellant shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the



bail bonds of the appellant.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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