

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54464 of 2025

Arising Out of PS. Case No.-54 Year-2024 Thana- BAUNSI District- Araria

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Mahesh Mandal S/o Kailash Mandal R/o Village-Kala Bandh Ward No 01,
Farkia, P.S-Baunsi, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Madhav Jha, Advocate

For the Opposite Party/s : Mr. Rina Sinha, APP

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

ORAL ORDER

2 08-08-2025 Heard learned counsel for the petitioner and learned

APP for the State.

2. The petitioner seeks bail in connection with S.T.
Case No. 61 of 2025 arising out of Baunsi P.S. Case No. 54 of
2024 instituted for the offences under Sections 304B/302, 34 of
the Indian Penal Code.

3. Prosecution case, in short, is that the petitioner
alongwith the family members tortured and killed the deceased
for the non-fulfillment of demand of dowry.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case.
Petitioner is the husband of the deceased. Learned counsel for
the petitioner submitted that general and omnibus allegation has
been made against the petitioner. No specific overt act is
alleged against the petitioner. Learned counsel further submitted



that deceased herself committed suicide and even as per post-mortem report, cause of death is asphyxia due to hanging but no external injuries were found on the body of the deceased. Learned counsel further submitted that police, after completion of investigation submitted charge-sheet under Sections 306/34 of the Indian Penal Code. He further submitted that learned trial court took cognizance under Sections 304B, 306, 34 of the Indian Penal Code. He further submitted that during trial, out of seven charge-sheeted witnesses, five have already been examined. It has been submitted on behalf of the petitioner that the petitioner is in custody since 15.06.2024 and has no criminal antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Learned APP for the State relied upon a decision of the Hon'ble Apex Court reported in **2024 SCC OnLine SC 3539 (X. vs. State of Rajasthan & Anr.)**, wherein in paragraph no. 14, the Hon'ble Apex Court has held as under:

“14. Ordinarily in serious offences like rape, murder, dacoity, etc., once the trial commences and the prosecution starts examining its witnesses, the Court, be it the Trial Court or the High Court



should be loath in entertaining the bail application of the accused.”

6. Considering the aforesaid facts and circumstances of the case as also the present stage of trial, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, the prayer for grant of bail to the petitioner is, hereby, rejected.

8. Learned Trial Court is directed to expedite the trial.

9. However, liberty is granted to the petitioner to renew the prayer for grant of bail before the Trial Court if the trial is not concluded within a period of two months from today.

10. The District Magistrate, Araria and the Superintendent of Police, Araria are directed to ensure the presence of witnesses before the learned court below as and when required for expeditious conclusion of trial.

11. Let a copy of this order be communicated to the District Magistrate, Araria and the Superintendent of Police, Araria.

(Rudra Prakash Mishra, J)

Alok Verma/-

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