

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.45990 of 2015**

Arising Out of PS.Case No. -230 Year- 2014 Thana -NAWANGAR District- BUXAR

Jai Praash Rai, son of Nagina Rai, resident of village- Baraki Bharauli, P.S.-  
Nawanagar, District- Buxar

..... Petitioner

Versus

The State of Bihar

.... .... Opposite Party

**Appearance :**

For the Petitioner/s : Mr. Anil Kumar Roy, Advocate

For the Opposite Party/s : Mr. S. Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH**

ORAL ORDER

2      07-10-2015      Heard learned counsel for the petitioner and the  
learned APP for the State.

This is an application for grant of regular bail on behalf of the petitioner who is an accused in connection with Sessions Trial No. 75 of 2010 arising out of Nawanagar PS Case No. 230 of 2014 for the alleged offence punishable under Section 302/34 of the Indian Penal Code which is pending in the court of learned Additional Sessions Judge XII, Buxar.

From the First Information Report, it appears that there is no allegation of demand of dowry having been made by the petitioner or any other family member. It has accordingly been submitted that no case under Section 304B IPC is made out. Learned counsel for the petitioner submits that the petitioner has been implicated, merely on the basis of suspicion and there is

nothing in the FIR, which constitutes an offence punishable under Section 302 IPC, so far as the petitioner is concerned. He has submitted that the deceased received burn injuries while cooking food and while making an attempt to rescue her, the petitioner also sustained burn injury. He has relied on a certificate/injury report issued by the Medical Officer of Primary Health Centre, Nawanagar, Buxar, brought on record by way of Annexure-2 to this application.

Considering the submission that no offence under Section 304B IPC is made out on the basis of the contents of the FIR, and there is no specific overt-act alleged against the petitioner, despite the fact that the petitioner is the husband of the deceased, this application is allowed.

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 the learned Additional Sessions Judge XII, Buxar, in connection with Nawanagar PS Case No. 230 of 2014.

This is subject to the condition that the petitioner shall present himself before the Police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

**(Chakradhari Sharan Singh, J)**

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