

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23460 of 2016

Arising Out of PS.Case No. -78 Year- 2016 Thana -PATORI District- SAMASTIPUR

=====

1. Birendra Rai @ Dewar Biran Rai @ Biran Rai Son of Shatrudhan Rai,
Resident of village- Madhopur, P.S.- Patori, District- Samastipur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra

For the Opposite Party/s : Mr. Sanjay Kr.Sharma(App)

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 18-08-2016

The petitioner being brother of the husband of the victim is languishing in custody since 08.03.2016 in a case registered for the offences punishable under Sections 147, 341, 323, 498A, 302, 201 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

The prosecution case is that the informant was married with co-accused Surendra Rai about seven years prior to the lodging of the F.I.R. The accused persons used to inflict torture for non-fulfilment of demand of motorcycle and cow. On 02.03.2016 at 4:30 P.M the accused persons started abusing the informant when the husband of the informant and the brother of the husband of the informant snatched eight months old child from the lap of the informant and throttled him.

It is submitted by learned counsel for the

petitioner that accusation is omnibus and general. The name of the brother of the informant has not been specific in the F.I.R. Moreover the postmortem has not been done in order to suggest that the accusation is corroborated by the medical opinion.

Mr. J.N. Thakur, learned A.P.P after going through the case diary submits that in the subsequent statement recorded in paragraph 5 of the case diary the informant suggested that the petitioner along with her husband snatched the child and throttled the victim who died. It is further submitted that the victim was suffering from some illness.

Considering the nature of accusation, this Court is not inclined to grant bail to the petitioner at present.

Let the trial be expedited.

The application stands dismissed in connection with Patori(Mohanpur) P.S. Case No. 78 of 2016, pending in the Court of learned Chief Judicial Magistrate, Samastipur.

(Dinesh Kumar Singh, J)

Shageer/-

U		T	
---	--	---	--