

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.44204 of 2017**

Arising Out of PS.Case No. -82 Year- 2017 Thana -DIDARGANJ District- PATNA

1. Rakesh Kumar Son of Shyam Jee @ Babu Rai, R/o Village- Kothia, P.S.-  
Didarganj, District- Patna.

.... .... Petitioner/s

## Versus

## 1. The State of Bihar

....      .... Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Akhauri Kamal Kishore Sahay

For the Opposite Party/s : Mr. Sri S.M. Rahman

**CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL**  
**ORAL ORDER**

3      20-11-2017      Learned counsel for the petitioner is permitted to make  
correction in the name of the Court in the prayer portion of the  
petition as well as S.T. Case number.

Heard learned counsel for the petitioner and learned  
APP for the State.

Petitioner is languishing in judicial custody since 24.05.2017 in connection with S.T. No. 629 of 2017, Didarganj P.S. Case No. 82 of 2017 for offences punishable under Section 304(B)/34 of the Indian Penal Code and Section 3/4 of Dowry Prohibition Act.

The prosecution case, as lodged by the informant, is that his daughter Rina Devi was married to one Anis Kumar in the



year 2016 and due to non-fulfillment of demand of dowry, her husband and in-laws have killed the informant's daughter.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case because he is the brother-in-law (*Bhaisur*) of the deceased. He submits that he has separate home and that the husband is already in judicial custody. He submits that the father-in-law and mother-in-law have been granted the privilege of pre-arrest bail in Criminal Miscellaneous No. 48651 of 2017 on 31.10.2017 by a co-ordinate Bench of this Court. It has further been submitted that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned ADJ IV, Patna City, Patna, in connection with S.T. No. 629 of 2017, Didarganj P.S. Case No. 82 of 2017 subject to the condition



that one of the bailors would be a close relative of the petitioner and that petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

**(Nilu Agrawal, J)**

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