

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31983 of 2018

Arising Out of PS.Case No. -66 Year- 2014 Thana -TAJPUR District- SAMASTIPUR

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1. Dinesh Rai, Son of Sri Jawahar Ray, Resident of Village- Bamuira, P.S.-
Tajpur (Halai O.P.), District- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nilesh Kumar

For the Opposite Party/s : Mr. Uday Pratap Singh

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 20-07-2018 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner has been in custody since 17.03.2018
in connection with Tajpur (Halai O.P.) P.S. Case No. 66 of 2014
registered for the offences punishable under Section 302/34 of the
Indian Penal Code.

Learned counsel for the petitioner submits that the
present petitioner is the brother-in-law of the deceased lady on
whose statement the First Information Report has been registered.
It has been pointed out by learned counsel for the petitioner that
the statement of the lady is of the year 2011. On the basis of photo
copy of the statement of deceased lady at Apollo Hospital, Patna.
The present FIR came to be registered in the year 2014. On



investigation having been made in connection with the FIR, the investigating authorities found the case to be a mistake of fact and accordingly, the charge-sheet was submitted on 30.11.2015. However, the Court deferred from the same and cognizance was taken. Accordingly, the petitioner surrendered before the Court and is praying for regular bail. Learned counsel for the petitioner further submits that after the alleged occurrence, the matter was finalized between the parties and no case was registered as it came on record by independent witnesses that the deceased lady had got burnt during the course of preparation of meal and thus a Panchayati was held and no case was lodged. However, when the husband of the deceased lady re-married, the present case was filed bringing about the allegation on the basis of a photo copy allegedly maintained by the brother of the deceased lady.

Diary in the present case was called for which has since been received.

Learned counsel appearing on behalf of the State after considering the entire materials in the case diary has also submitted that there used to be a quarrel in the family on account of the petty disputes and income being generated by the other brothers and therefore, the whole family has been roped in which also includes the petitioner. The petitioner is the elder brother-in-



law of the deceased lady (*Bhaisur*) and has been in jail for more than three months. The petitioner is also having no criminal antecedent.

In view of the aforementioned facts and circumstances and there being no further cogent material in the case diary to substantiate the allegation against the petitioner, let the petitioner above named, 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 the learned Additional Chief Judicial Magistrate-1st, Samastipur, in connection with Tajpur (Halai O.P.) P.S. Case No. 66 of 2014.

(Anjana Mishra, J)

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