

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1344 of 2019

Arising Out of PS. Case No.-103 Year-2017 Thana- BAKHTIYARPUR District- Patna

Vijay Rai aged about 30 years s/o Surendra Rai, r/o Village Hardaspur Diyara,
PS Bakhtiyarpur, District Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Kashyap
For the Opposite Party/s : Mr.Sri Rajkishore Singh

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 27-03-2019 Heard learned counsel for the parties.

Petitioner seeks bail in a case registered for the offence punishable under Sections 304B, 363, 201/34 of the Indian Penal Code.

Informant in his written complaint has alleged that his sister was married to petitioner in the year 2013 and thereafter she was being tortured for non fulfillment of demand of dowry and ultimately she was killed on 31.03.2017 by sprinkling kerosene oil and setting her ablaze.

It has been submitted on behalf of the petitioner that Informant and his family members were present at the time cremation and present FIR was instituted after the deceased was



cremated. It has been submitted that the victim herself has committed suicide and petitioner was not present in the house at the time of occurrence. In the order passed by Sessions Judge, it has been submitted that there is delay in institution of FIR as the matter was being compromised between the parties and on failure of compromise, Informant has instituted this case. Petitioner has got no criminal antecedent and is in custody since 02.11.2017. Earlier bail application of the petitioner was rejected by this Court as contained in Annexure-1.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with **Bakhtiyarpur P.S. Case No. 103 of 2017**, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case,



prosecution will be at liberty to move for cancellation of
bail of the petitioner.

(S. Kumar, J)

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