

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50945 of 2018

Arising Out of PS. Case No.-246 Year-2016 Thana- MALSALAMI District- Patna

Dilip Rai @ Deelip Rai Son of Tullu Rai @ Kallu Rai, Resident of Mohalla-
Chamar Toli, Sharifaganj, Patna City, P.S.- Malsalami, District- Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shyamal Prakash, Adv.

For the Opposite Party/s : Mr.Md. Ansarul Haque (APP)

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

10 24-01-2019 Heard learned counsel for petitioner, learned counsel
for the informant and learned counsel for the State.

Petitioner, who is in custody, seeks bail in connection with Sessions trial No. 27 of 2018 arising out of Malsalami P.S. Case No. 246 of 2016, registered for the offences punishable under Sections 304 (B), 201, 120(B), 34 of the Indian Penal Code.

Informant who is father of the deceased has alleged that petitioner along with family members killed his daughter due to non-fulfillment of demand of dowry.

It has been submitted on behalf of the petitioner that he is innocent and has committed no offence. He has been falsely implicated in this case. It has been further alleged that informant is not the eye-witness of the occurrence and prosecution witnesses have not supported the prosecution case in course of trial. As per postmortem report no injury was found



on the person of deceased except one injury. The cause of death could not be ascertained. In FSL report no poisoning was found. Petitioner has no criminal antecedent and is in custody since 16.02.2017.

Counsel for the informant has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid fact and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 6th Additional District and Sessions Judge, Patna City, Patna, in connection with Sessions Trial No. 27 of 2018, arising out of Malsalami P.S. Case No. 246 of 2016, subject to 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 Court and his absence on two consecutive dates without sufficient reasons, 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.

The F.S.L. report submitted before this court may be send to trial court in sealed condition forthwith.

(S. Kumar, J)

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