

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.3442 of 2020**

Arising Out of PS. Case No.-619 Year-2019 Thana- KUDHNI District- Muzaffarpur

DINESH RAI Son of Nagendra Rai Resident of Village - Madhoul, P.S.-  
Kudhani (Turki O.P.), District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                            |                                                                     |
|----------------------------|---------------------------------------------------------------------|
| For the Petitioner/s :     | Mr. Bindhyakeshri Kumar Singh, Sr. Advocate<br>Ms.Sanjana, Advocate |
| For the Opposite Party/s : | Mr.Mukeshwar Dayal, APP                                             |

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY**  
**ORAL ORDER**

13    13-11-2020                      Heard learned senior counsel for the petitioner and learned A.P.P. for the State through video-conferencing.

The petitioner has filed the instant application for grant of regular bail in connection with Kudhani (Turki O.P.) P.S. Case No. 619 of 2019 registered under sections 302, 120B and 34 of the Indian Penal Code.

As per allegation in the F.I.R, the younger sister of the informant was married to the petitioner and it is stated that gifts as per their capacity were given at the time of marriage. It is further stated that thereafter the accused persons including the petitioner herein started to torture the sister of the informant for non-fulfillment of the demand of dowry of a four wheeler vehicle. It is stated that on 15.09.2019 he received a phone call from his sister that her devar, gotani and mother-in-law were



torturing her, abusing and assaulting her. On 17.09.2019, he received secret information about his sister being murdered and on going to his sisters place, he found her dead body with a ligature mark on her neck.

It is submitted by learned senior counsel for the petitioner that the petitioner was married to the deceased sister of the informant 12 years back. The wife of the petitioner was an Anganbari Sevika. All the witnesses whose statements have been recorded in course of investigation are hearsay witnesses being resident of a different village. This being a case under section 302 of the I.P.C, presumption under Section 304B I.P.C would not be attracted. It is further submitted that while the mother-in-law of the deceased has been enlarged on regular bail vide Cr. Misc. No. 29457 of 2020, all other co-accused have been enlarged on anticipatory bail by different orders. It is also submitted that that the petitioner has got clean antecedent and he is in custody since 17.09.2019.

The application for bail is opposed by learned A.P.P. for the State who submits that the petitioner happens to be the husband of the deceased sister of the informant and is named in the F.I.R with direct allegations against him.



Case diary called for in the case has been received.

Having heard learned counsel for the parties and on going through the documents on record, it transpires that in his F.I.R the informant has categorically stated that his deceased sister on telephone had communicated about her being tortured by her devar, gotani and mother-in-law.

In view of the submissions made on behalf of learned senior counsel for the petitioner, the petitioner being in custody since 17.09.2019 and having no criminal antecedent, the Court is inclined to enlarge the petitioner on bail. The petitioner is directed to be enlarged on bail in connection with Kudhani (Turki O.P.) P.S. Case No. 619 of 2019 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) only with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate 3<sup>rd</sup>, Muzaffarpur (West).

**(Partha Sarthy, J)**

Prakash/-

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