

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16862 of 2020

Arising Out of PS. Case No.-331 Year-2017 Thana- MADHAURAH District- Saran

ARUN RAI, aged about 35 years, Male, Son of Parsuram Rai, Resident of Village - Silhauri, P.S.- Marhowrah, District - Saran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Sachida Nand Rai, Advocate.
For the Opposite Party : Mr.Tapeshwar Sharma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 08-07-2020 Due to COVID-19 Pandemic, the matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading 'For Orders' under the orders of Hon'ble the Chief Justice.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner seeks bail in a case for the offence registered under Sections 302/34 of the I.P.C.

The prosecution story, in brief, is that the daughter of the informant was married with this petitioner and from the said wedlock, three issues were born. She was tortured in her *Sasural* by this petitioner and other family members for demand of dowry. They were compelling to her to bring Rs. 2,00,000/- from her father after selling the land. The informant got an information on 13.08.2017 that some untoward occurrence has



been done with his daughter by the accused persons. Thereafter, he went to Sadar Hospital, Chapra where he learnt that his daughter was admitted in P.M.C.H., Patna, he also went there but accused persons did not allow him to meet his daughter. It is further alleged that the daughter of the informant alongwith two minor children have died.

Earlier bail application of the petitioner was rejected by the then Co-ordinate Bench of this Court vide Cr. Misc. No. 55781 of 2018 under order dated 22.11.2018 with an observation 'at this stage', annexed as Annexure-1 to the present application.

Hence, the present application has been filed in pursuance to the observation made in the earlier order passed by the then Co-ordinate Bench of this Court.

A report was called for from the learned court below regarding the present stage of the case. It has been reported that two officials witnesses alongwith one prosecution witness are yet to be examined in the case.

It has been submitted by learned counsel for the petitioner that the petitioner is in custody since 17.12.2017. The petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner.



There is no chance of trial being concluded in near future. The petitioner has already remained in custody for about two years and six months. There is no eye witness to the alleged occurrence. In the postmortem report, cause of death could not be ascertained.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the fact that earlier bail application of the petitioner was rejected with an observation 'at this stage', the petitioner, above named, is directed to be released on bail on his personal bond to the satisfaction of the learned Additional Sessions Judge-X, Saran, in connection with Sessions Trial No. 347 of 2018 (arising out of Marhowrah P.S. Case No. 331/2017).

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs. 10,000/-(Rupees Ten Thousand) with two sureties of the like amount each within a period of four weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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