

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75530 of 2019

Arising Out of PS. Case No.-142 Year-2018 Thana- VAISHALI District- Vaishali

RAJIV RAI Son of Phudeni Rai @ Phuldeo Rai Resident of Village -
Madarana @ Gopi Nathpur, P.S. - Vaishali, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Veena Rani Prasad, APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 05-03-2020 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is languishing in custody for the
offence punishable under Section 304B of the Indian Penal
Code.

The petitioner is husband of the victim of the alleged
dowry death. The petitioner is in custody since 19.06.2019.
Investigation of the case is already complete.

Learned counsel for the petitioner submits that though
there is averments in the FIR that the petitioner pressurized to
his wife to ask her brother to give money after selling out the
property and on non-fulfillment of the said demand she was
mentally and physically tortured. But the aforesaid averments
would not make out a case of dowry demand as per definition of



the word 'Dowry' in Section 2 of the Dowry Prohibition Act because the demand was not as consideration of the marriage.

Finding substance in the submission aforesaid, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Court-below where the case is pending in connection with Vaishali P.S. Case No.142 of 2018, with following conditions:

(a) Both the bailors shall be the resident of territorial jurisdiction of the learned Court-below.

(b) The petitioner shall fully cooperate with the trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(c) The petitioner shall not leave the country without permission of the trial Court.

(Birendra Kumar, J)

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