

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74795 of 2019

Arising Out of PS. Case No.-242 Year-2018 Thana- BYPASS District- Patna

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DHIRAJ @ RAJIV RAI @ RAJIV KUMAR, aged about 28 years, Gender- Male, Son of Nageshwar Rai, Resident of Village-Mogalchak, Police Station- Mohiuddin Nagar, District-Samastipur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner	:	Mr. Ramakant Sharma, Sr. Advocate and Mr. Amresh Kumar, Advocate.
For the State	:	Mr. Choubey Jawahar, A.P.P.
For the informant	:	Mr. Vinay Kumar Mishra and Mr. Shankar Pd. Ray, Advocates.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

5 16-03-2020 Heard learned senior counsel for the petitioner, learned counsel for the informant and learned counsel for the State.

The petitioner seeks bail in a case for the offence registered under Sections 302 and 304(B)/34 of the IPC.

The prosecution story, in brief, is that the informant solemnized marriage of his daughter with this petitioner three years ago. After one year of marriage, this petitioner, his mother, father, sisters Reena, Meena, Kanchan, Bahnoi Pintu and Rajeev started comment saying that she is not beautiful, she is not able to give birth a child and used to assault and torture severally due to non-fulfilment of demand of golden chain, ring and money.



On 10.08.2018, the daughter of Sadhu of the informant informed to her mother who intimated to informant that this petitioner killed his daughter Anila Devi and fled away from the house, when the informant and his son came to the house of his daughter, he saw the dead body of his daughter, informant claimed that the incident happened on 09.10.2018 at 9.00 P.M. to 6.00 A.M.

It has been submitted by learned senior counsel for the petitioner that the petitioner is languishing in custody since 31.10.2018. The petitioner has got no criminal antecedent. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. There is no eye witness to the alleged occurrence. From perusal of viscera report, it is evident that it is not a case of poisoning.

On behalf of the State and the informant, it is submitted that the petitioner is named in the F.I.R. From perusal of the postmortem report, it is evident that there are external injuries on the body of the deceased. He is husband of the deceased. The onus is on him to explain the cause of death of the deceased.



Considering the nature of accusation, I am not inclined to grant bail to the petitioner. The same is rejected in connection with Sessions Trial No. 975 of 2019, arising out of Bypass P.S. Case No. 242 of 2018, pending in the court of learned Additional Sessions Judge-VI, Patna City, Patna.

The court below is directed to take all necessary steps to conclude the trial within a period of nine months from the date of receipt/production of copy of this order.

(Sudhir Singh, J)

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