

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22719 of 2021**

Arising Out of PS. Case No.-231 Year-2019 Thana- BACHHWARA District- Begusarai

VIMAL RAY Son of Lutkun Ray @ Lutan Ray Resident of Village-
Bahrapur, P.S.- Bachhwara, District- Begusarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam, Advocate

For the Opposite Party/s : Mr.Shailendra Kumar No.1, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 30-09-2021 Heard learned counsel for the petitioner and Mr.
Shailendra Kumar No.1, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Bachhwara P.S. Case no. 231/2019 registered for the offence under Sections 302, 201, 34 of the Indian Penal Code. He is in custody since 08.01.2021.

As per the prosecution story, the sister of the informant was married with the petitioner in the year 2008. They have got one daughter from the marriage. Allegation is that this petitioner developed illicit relationship with another lady and eight months back he married with the said lady and brought her in the house whereafter both the petitioner and the said lady were torturing the victim/deceased.

The allegation is that the petitioner had put a rope in the neck of the deceased and after killing her in order to conceal



the dead body he threw the dead body in a Well. The informant claims that his niece (daughter of the petitioner) aged about 10 years was also threatened whereafter she fled away. After the police reached there the dead body was take out from the Well.

The main contention of learned counsel for the petitioner is that the manner of occurrence as alleged in the F.I.R. is not corroborated by the post-mortem report because no ante-mortem injury has been found on the body of the deceased.

Learned counsel for the petitioner submits that police has submitted a charge-sheet under Section 306 I.P.C. however he is not aware of the order taking cognizance under any other provision.

Mr. Shailendra Kumar No. 1, learned A.P.P. for the State has, however, after going through the case diary opposed the prayer for bail of the petitioner. It is his submission that one of the star witness in this case is the own daughter of the petitioner who has stated before the Investigating Officer that her mother was being tortured by the petitioner and the lady with whom the petitioner had solemnized marriage about eight months back. Learned A.P.P. submits that one thing is clear from the material that the victim was being tortured by the petitioner. Learned A.P.P. has submitted that there are other independent



witness in this case.

Considering the facts and circumstances of the case, the gravity of the offence alleged and the material in form of the statement of the daughter of the petitioner and overall conduct of the petitioner leading to the death of his wife, this Court is not inclined to release the petitioner on bail.

Prayer for regular bail of the petitioner is, thus, refused.

Let the trial be expedited.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

