

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34732 of 2020

Arising Out of PS. Case No.-335 Year-2019 Thana- DIGHA District- Patna

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1. Kalector Rai, Son of Sudarshan Rai, Resident of Bishunpur, P.S. - Akilpur, District - Patna.
 2. Bidri Kumar, Son of Bijendra Rai, Resident of Bishunpur, P.S. - Akilpur, District - Patna.
 3. Bijendra Rai, Son of Late sudhershnan Rai, Resident of Bishunpur, P.S. - Akilpur, District - Patna.
 4. Lomar Rai @ Lomara Rai, son of Late Sudrashan Rai, Resident of Bishunpur, P.S. - Akilpur, District - Patna.
 5. Dharmendra Kumar, Son of Lomar Rai @ Lomara Rai, Resident of Bishunpur, P.S. - Akilpur, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Rakesh Kumar, Advocate. Mr. Anant Kumar Bhaskar, Advocate.
For the Opposite Party/s	:	Mr. Parmanand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 23-03-2021 As prayed for, let the learned counsel appearing for the petitioners remove the defect(s), as pointed out by the office, within four weeks of starting of the Court proceeding in physical mode in normal course.

Learned counsel for the petitioners submits petitioner nos. 1, 2 and 4, namely, Kalector Rai, Bidri Kumar and Lomar Rai, have been arrested by the police, so he seeks permission to withdraw this application with respect to petitioner nos. 1, 2 and 4.



Permission is accorded.

Accordingly, this application is dismissed as withdrawn with respect to petitioner nos. 1, 2 and 4.

Heard learned counsel appearing for the petitioner nos. 3 and 5, namely, Bijendra Rai and Dharmendra Kumar, and the learned A.P.P. appearing for the State.

The petitioner nos. 3 and 5 apprehend their arrest in connection with Digha P.S. Case No. 335 of 2019, registered under Sections 302 and 201/34 of the Indian Penal Code.

The accusation is that informant, Dinanath Rai, performed the marriage of his sister, Shivjanki Devi, before nine years with Shatrughnan Rai, son of late Sudarsan Rai, of village Bishunpur, P.S. Akilpur, District Patna, presently, residing at Ramjichak, P.S. Digha, Panta. After 15 days, his sister was being tortured for cash of Rs.2,00,000/- and one motorcycle. While informant and other family members tried to pacify the matter but in spite of that his sister was being tortured. On 16.06.2019, informant received call on his mobile from the neighbour of his sister to the effect that his sister is being assaulted then informant and other family members reached at Ramjichack, P.S. Digha then found that the neck of his sister was cut and she died and her dead body was being carried by



several persons for funeral and they also threatened him for dire consequences, in case of reaching near the dead body.

Learned counsel for the petitioners submits that petitioner no.3 is the brother-in-law and petitioner no. 5 is the nephew of the husband of the deceased. In fact, both petitioners residing separate at their native place at Village Bishunpur, P.S.- Akilpur, District- Patna whereas the husband of the deceased along with his wife used to reside at Ramjichack, P.S. Disgha, Patna, where the informant claimed to see the dead body of his sister but with ulterior motive, petitioner nos. 3 and 5 have also been implicated in the present case with false allegation. It is further submitted that co-accused, Suchit Rai, Ritesh Kumar and Smkt Siya Devi have already been granted privilege of pre-arrest bail by a Bench of this Court vide order dated 11.12.2019 passed in Criminal Misc. No. 79633 of 2019.

Having regard to the facts and circumstances of the case, let the petitioner nos. 3 and 5, namely, Bijendra Rai and Dharmendra Kumar, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Patna,



in connection with Digha P.S. Case No. 335 of 2019, subject to
the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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