

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2129 of 2022

Arising Out of PS. Case No.-244 Year-2018 Thana- DESARI District- Vaishali

=====

Amod Rai, Son Of Amarnath Rai, Resident Of Village- Sahdei Bujurg, P.S.-
Desari (SAHDEI O.P.) , District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Arjun Prasad, Advocate

For the Opposite Party/s : Md. Matloob Rab, APP

=====

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 02-11-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Desari (Sahdei O.P.) P.S. Case No. 244 of 2018
registered for the alleged offences under Sections 304B and 34
of the Indian Penal Code.

As per prosecution case, the informant got
information that his married daughter had died and on inquiry,
he came to know that the petitioner, who is the husband of the
deceased, and her other in-laws assaulted the deceased and
killed her.

The learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. The marriage was solemnized 15 years prior to the date of occurrence. They have two children out of this wedlock who are aged about 13 years and 11 years, respectively. The petitioner and the deceased had been living peaceful conjugal life and there was no reason for the petitioner to kill his wife. The petitioner earlier used to work in Kolkata and he returned to his village to start his own business but the same was not liked by his wife and some altercation took place and the petitioner left his house. In the meantime, his wife consumed poison. The petitioner himself informed the informant and his family about the death of his wife and they came but lodged this false case making allegation that there has been some quarrel with deceased and her in-laws. The post-mortem report shows only one bruise 1" x1" below right eye. Even the cause of death has not been given in the post-mortem report and viscera has been preserved for opinion regarding cause of death. Even during investigation, none of the independent witnesses supported the prosecution case rather they stated before the police that the deceased herself consumed poison due to altercation with her husband. The petitioner himself surrender before the court below on 23.09.2021 and the charge-sheet has been submitted in



this case. The petitioner has got clean antecedent.

Learned APP opposes the prayer for bail submitting that the specific allegation has been made against the petitioner and other co-accused persons and the wife of the petitioner died in his house so the petitioner is duty bound to explain her death.

Perused the records.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the lack of substantive material to connect the petitioner with the offence as alleged and further considering the post mortem-report which does not support the prosecution case and also considering the clean antecedent of the petitioner, he is directed to 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 learned Additional Chief Judicial Magistrate-15, Vaishali at Hajipur/concerned court in connection with Desari (Sahdei O.P.) P.S. Case No. 244 of 2018, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will a close relative of the petitioner.



(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

balmukund/-

U		T	
---	--	---	--

