

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30791 of 2022**

Arising Out of PS. Case No.-92 Year-2021 Thana- BHAGWANPUR District- Vaishali

VIKASH KUMAR @ VIKASH KUMAR RAI S/o Manoj Rai @ Manoj
Kumar R/o village- Salempur, P.S.- Bhagwanpur, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Singh
For the Opposite Party/s : Mr.Binod Kumar No.3

**CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER**

2 25-08-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in Bhagwanpur P.S. Case
no. 92/2021 registered for the offence punishable under section
304B/34 of the Indian Penal Code.

As per allegation, petitioner and his family members
poisoned the deceased owing to that victim died and the alleged
occurrence was committed by the accused persons on account of
their demand of Rs 4 lakh having been not fulfilled by the
victim.

The main submissions advanced by Sri Sunil Kumar
Singh, the learned counsel appearing for the petitioner are that



the petitioner has been languishing in jail since 11.4.2021 and in-laws of the deceased who are named in the FIR have been granted bail, petitioner is also carrying same nature of allegation as that of co-accused and deceased herself tortured the accused persons and always told to implicate them in false case and finally she herself took poison.

Sri Binod Kumar no. 3, learned APP appearing for the State has opposed the prayer for bail.

Heard both sides, perused the FIR and case record. The deceased who happened to be wife of the petitioner died within 7 years of her marriage and admittedly her death was quite unnatural and the FIR goes to show that accused persons including the petitioner started torturing the deceased for the demand of dowry since after marriage of the victim and they made pressure upon her to bring Rs 4 lakh from her **Naiher** and regarding alleged cruelty, a criminal case had also been lodged by the victim which is evident from FIR itself.

Though some co-accused persons have been granted bail as submitted by learned counsel for the petitioner but so far as allegation appearing against the petitioner is concerned, who happens to be husband of the deceased it seems to be more serious than other co-accused persons as at the time of incident,



it was the prime duty of the petitioner to take care of his wife.

In the light of these facts, in the opinion of this court, petitioner does not deserve privilege of bail and accordingly his prayer for bail stands rejected.

Petitioner may renew his prayer for bail, after examination of private witnesses of the prosecution before trial court, if he avails the said liberty then the trial court will decide bail petition of the petitioner on merits without being prejudiced by this order.

(Shailendra Singh, J)

s.hassan/-

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