

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.39376 of 2021**

Arising Out of PS. Case No.-171 Year-2020 Thana- MANER District- Patna

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YOGENDRA RAI @ JOGENDRA RAI S/o Late Beera Rai Resident of  
Village- Hulasi Tola, P.S.- Maner, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

**CRIMINAL MISCELLANEOUS No. 45344 of 2021**

Arising Out of PS. Case No.-171 Year-2020 Thana- MANER District- Patna

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RAJ @ RAM RAJ Son of Yogendra Rai Resident of Village - Hulasi Tola,  
P.S. - Maner, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

**CRIMINAL MISCELLANEOUS No. 51382 of 2021**

Arising Out of PS. Case No.-171 Year-2020 Thana- MANER District- Patna

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LEELA DEVI W/O Yogendra Rai Resident of Village - Hulasi Tola, Police  
station - Maner, District - Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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**Appearance :**

(In CRIMINAL MISCELLANEOUS No. 39376 of 2021)

For the Petitioner/s : Mr.Sarva Deo Singh

For the Opposite Party/s : Mr. Nitya Nand Tiwary

(In CRIMINAL MISCELLANEOUS No. 45344 of 2021)

For the Petitioner/s : Mr.Sarva Deo Singh

For the Opposite Party/s : Mr.Ramchandra Singh

(In CRIMINAL MISCELLANEOUS No. 51382 of 2021)

For the Petitioner/s : Mr.Sarva Deo Singh

For the Opposite Party/s : Mr.Jharkhandi Upadhyay

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**



ORAL ORDER

3      11-04-2022                      Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State, in all the three cases.

The petitioners seek regular bail in connection with Maner Police Station Case No. 171 of 2020, registered for the offence punishable under Sections 304-B/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

The prosecution case, as per the First Information Report, is that the daughter of the informant was married to the petitioner Ram Raj, in the year 2017 and the allegation is that the petitioners, due to non-fulfillment of demand of dowry, killed the daughter of the informant.

Learned Counsel for the petitioners submits that the petitioner, Yogendra Rai @ Jogendra Rai is the father-in-law of the deceased, Leela Devi is the mother-in-law of the deceased, whereas Raj @ Ram Raj is the husband of the deceased. He further submits that just after marriage of the petitioner Ram Raj with the deceased, a panchayati was held on 08.04.2018 and the property was divided by the petitioner Yogendra Rai amongst his sons and after partition before the Panches, they (Yogendra Rai and Leela Devi) were living separately and were not involved in the family affairs of their sons. He further submits that the allegation against the petitioners, Yogendra Rai and



Leela Devi, is general and omnibus in nature and they are in custody since 24.01.2021 and 26.01.2021 respectively.

With regard to the petitioner Ram Raj, husband of the deceased, the submission is that in course of investigation, no material has come against him and he is in custody since 04.04.2020.

On the other hand, learned Additional Public Prosecutor submits that within three years of marriage, the informant's daughter has died in her matrimonial home in an unnatural condition and there is presumption against the accused persons under Section 113-B of the Evidence Act. He further submits that as per the post mortem examination report, the cause of death is antemortem strangulation, leading to asphyxiation and cardio-respiratory failure.

Regards being had to the submissions made on behalf of the parties and taking into consideration Annexure-2 (partition deed before the Panches) and the fact that the petitioners, Yogendra Rai and Leela Devi, are the father-in-law and mother-in-law of the deceased, were living separately from their sons, I am inclined to grant regular bail to the petitioners, Yogendra Rai and Leela Devi.

Accordingly, Criminal Misc. Nos. 39376 and



51382 of 2021 are allowed.

Accordingly, let the petitioners, Yogendra Rai and Leela Devi, above named, be released on bail, upon furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned 3<sup>rd</sup> Additional Sessions Judge, Danapur, Patna, in connection with Maner Police Station Case No. 171 of 2020.

Insofar as petitioner Raj @ Ram Raj (Criminal Misc. No. 45344 of 2021) is concerned, within seven years of marriage, his wife died in her matrimonial home in an unnatural condition and there is specific demand of dowry against the petitioner, I am not inclined to grant bail to the petitioner, at this stage.

Accordingly, Criminal Misc. No. 45344 of 2021 is dismissed.

However, the petitioner Raj @ Ram Raj may renew his prayer for bail after one year from today, if the trial does not register any progress.

**(Anil Kumar Sinha, J.)**

Prabhakar Anand/-

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