

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71246 of 2021

Arising Out of PS. Case No.-126 Year-2021 Thana- RAGHUNATHPUR District- Siwan

1. KAMALI DEVI @ KAMALI KUNWAR Wife of Late Suresh Patel
Resident of Village - Adampur, Police Station - Raghunathpur, District -
Siwan.
2. Shyam Bahadur Patel Son of Late Banarasi Patel Resident of Village -
Adampur, Police Station - Raghunathpur, District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary
For the Opposite Party/s : Mr. Umesh Lal Verma

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

4 05-12-2022 Heard learned counsel for the petitioners and

learned APP for the State.

The petitioners seek bail in connection with Session

Trial No. 357 of 2021 arising out of Raghunathpur P.S. Case

No. 126 of 2021, registered for the offences punishable

under Sections 304 (B) and 34 of the Indian Penal Code.

The prosecution story as emerges from the FIR is

that the petitioner along with other co-accused persons had

killed the deceased, Archana Kumari on account of non-

fulfillment of demand of dowry.

The learned counsel for the petitioners submits that



the petitioners are innocent and have falsely been implicated in this case. He further submits that the petitioners are separate from the deceased and her husband in mess and business.

The petitioner nos. 1 and 2, namely, Kamali Devi @ Kamali Kunwar and Shyam Bahadur Patel have been languishing in jail since 16.07.2021 and 27.07.2021, respectively.

It is also stated in paragraph no. 2 of the petition that the petitioners have never moved before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 of the petition that the petitioners have no criminal antecedent.

However, the learned APP for the State vehemently opposes the prayer of the petitioners for bail submitting that the petitioners are the main accused as per the allegation. They have killed the deceased/victim for non-fulfillment of demand of dowry by burning and her husband works outside the country in Dubai. He also submits that the trial is also in advance stage.



Considering the aforesaid facts and circumstances,
I am not persuaded to enlarge the petitioners on bail at this
stage.

The application stands rejected accordingly.

However, if the trial is not concluded in the next
six months, they may renew their prayer for bail.

The learned counsel for the petitioners is directed
to remove all the defects, if any, pointed out by the office
within a period of one month and the Registry is directed to
issue the certified copy of this order only after removal of
office objections.

(Jitendra Kumar, J)

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