

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19375 of 2023

Arising Out of PS. Case No.-303 Year-2020 Thana- HAJIPUR SADAR District- Vaishali

Biddu Ray @ Bikku Ray @ Bikku Kumar S/O Sudhir Ray R/v- Chaknoor,
P.S.- Hajipur Sadar, District- Vaishali.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satya Prakash Sinha, Advocate

For the Opposite Party/s : Mr. Arun Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 16-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

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

03. In the present case, the petitioner seeks bail in
connection with Hajipur Sadar P.S. Case No. 303 of 2020
registered on 19.05.2020 for the alleged offences under Sections
304(B)/201/120(B)/34 of the Indian Penal Code.

04. As per prosecution case, the sister of the informant
was tortured and treated with cruelty by her in-laws and they
were demanding dowry. When the demand of dowry was not
made, the petitioner, who is husband of the informant's sister,
and other co-accused persons killed the sister of the informant
and made her dead body disappear.



05. Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case by the informant in order to extort money from him. The alleged occurrence has not taken place at the matrimonial home of the deceased at Vaishali District in Bihar, rather she died due to illness when she was under treatment in Hospital at Ludhiana in Punjab. The petitioner has brought on record the copy of certificate issued by the official concerned which is of dated 16.05.2020, which shows death occurred on 15.05.2020 due to illness. Earlier copies of OPD slip has also been annexed, which are of dated 10.05.2020, showing the illness of the informant's sister. From these documents, it appears that the deceased was suffering from tuberculosis and other ailments. Learned counsel further submits that after marriage, the deceased was living her conjugal life happily with her husband and in-laws and thereafter she started living with her husband at Ludhiana in Punjab and when she became pregnant, she came to Vaishali and gave birth to a female child. After birth of the child, the petitioner took his newly born child and his wife to his work place at Ludhiana. Learned counsel further submits that the deceased was suffering from tuberculosis, *asthama*, liver and kidney problems and she was undergoing treatment in the



Management of Revised National Tuberculosis Control Program, Punjab. During her treatment, she was admitted at L.M. Civil Hospital, Ludhiana and in course of her treatment, she died on 15.05.2020 in the Hospital. The other co-accused persons have been granted anticipatory bail vide order dated 14.12.2021 passed by a Co-ordinate Bench of this Court in Criminal Misc. No. 12994 of 2021. The petitioner is in custody since 21.10.2020 and charge-sheet has been submitted.

06. Learned APP for the State opposes the prayer for bail submitting that the petitioner is husband of the deceased and the allegation against him is of demand of dowry and causing dowry death.

07. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the material showing the death of deceased due to illness, that too, in a Hospital situated at Ludhiana in Punjab, and also considering the strong possibility of false implication and further considering the period of custody of the petitioner along with submission of charge sheet, the petitioner above named 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 Chief Judicial Magistrate,



Vaishali at Hajipur in connection with Hajipur Sadar P.S. Case No. 303 of 2020, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be a close relative of the petitioner.
- (iii) The petitioner will remain present on each and every date fixed by the court below.
- (iv) 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)

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