

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35114 of 2022

Arising Out of PS. Case No.-119 Year-2015 Thana- BHELDI District- Saran

Barister Rai Son Of Shambhu Rai Resident Of Village- Gangoi, P.S.- Bheldi,
District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 47307 of 2022

Arising Out of PS. Case No.-119 Year-2015 Thana- BHELDI District- Saran

Shambhu Ray Son Of Balak Ray Resident Of Village - Gangoi, P.S.- Bheldi,
District - Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 35114 of 2022)

For the Petitioner/s : Mr.Arjun Prasad

For the Opposite Party/s : Mr.Anil Kumar Singh No. 1

(In CRIMINAL MISCELLANEOUS No. 47307 of 2022)

For the Petitioner/s : Mr.Arjun Prasad

For the Opposite Party/s : Mr.Amitesh Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

5 03-01-2023 Heard learned counsel for the petitioners and

learned APP for the State.

The petitioners have filed the instant application

for grant of regular bail in a case registered for the

offences punishable under Sections 304(B), 201 of the



Indian Penal Code.

It is a case of dowry death due to non fulfilment of dowry demand of golden chain, motorcycle, colour TV.

It is submitted by learned counsel for the petitioners that the petitioners are innocent and they have committed no offence. They have falsely been implicated in the present case. It is also submitted that petitioner (in Cr. Misc No. 35114 of 2022), namely, Barister Rai is languishing in judicial custody since 21.08.2021 and petitioner (in Cr. Misc. No. 47307 of 2022) is languishing in judicial custody since 16.04.2022. It is also submitted that there is no demand of dowry in this case and the alleged occurrence has been taken place only due to short temper nature of the deceased. A statement has been made in para 3 of the petition that petitioners have no criminal antecedent.

Learned APP appearing for the State has vehemently opposed the prayer for Bail and submitted



that petitioner (in Cr. Misc. No. 35114 of 2022), namely, Barister Rai is the husband of the deceased and he has full responsibility to keep his wife with full dignity and honor. There is direct allegation against the husband of the deceased.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, this Court is inclined to enlarge the petitioner, namely, Shambhu Ray, (in Cr. Misc. no. 47307 of 2022) on bail. The petitioner, namely, Shambhu Rai is directed to be enlarged on bail in connection with Bheldi P.S. Case No. 119 of 2015 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Saran, Chapra.

So far as, petitioner, namely, Barister Rai (in Cr. Misc No. 35114 of 2022) is concerned, he is husband of the deceased and there is direct allegation



against him, this Court is not inclined to enlarge him on Bail. This application stands rejected.

If the trial of the petitioner is not concluded within a period of six months, the petitioner will be at liberty to file fresh Bail application.

(Sunil Kumar Panwar, J)

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