

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36550 of 2023

Arising Out of PS. Case No.-118 Year-2021 Thana- BELA District- Sitamarhi

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Dashai Rai S/O Late Babuni Rai R/O Vill. Vishnupur, PS. Bela, Dist. Sitamarhi

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Parwej Khan, Adv.

For the Opposite Party/s : Mr. Ganesh Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 28-07-2023 Heard Mr. Prawej Khan, learned counsel appearing on behalf of the petitioner and Mr. Ganesh Prasad Singh, learned Additional Public Prosecutor for the State.

2. The petitioner, who is said to be the cousin father-in-law of the deceased, apprehends his arrest in connection with Bela P.S. Case No. 118 of 2021, registered for the offences punishable under Sections 304(B), 201/34 of the Indian Penal Code.

3. Allegedly the marriage of the daughter of the informant was solemnised with Suresh Rai two years ago, however, soon after the marriage she was subjected to demand of dowry at the hands of the family members and on account of non-fulfillment of the same, all the accused persons, including the petitioner, have killed her and concealed the dead body.



4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is the cousin father-in-law of the deceased has been residing separately from the family of the deceased and her husband and in fact he has no concern with their affairs. He next submits that even as per the FIR omnibus allegation has been levelled against all the family members. Furthermore, during the course of investigation, the statements of the brother of the deceased and villagers were recorded who have not supported the prosecution case. He next submits that the parents-in-law and brother-in-law having similar allegation have been allowed the privilege of anticipatory bail by the learned coordinate Bench of this Court in Cr. Misc. No. 30728 of 2023 *vide* order dated 14.07.2023.

5. On the other hand, learned counsel for the State opposed the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the omnibus nature of allegation, coupled with the clean antecedent and the fact that the parents-in-law and brother-in-law have been allowed the privilege of anticipatory bail, let the petitioner abovenamed be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of



receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sitamarhi in connection with Bela P.S. Case No. 118 of 2021, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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