

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40405 of 2023

Arising Out of PS. Case No.-217 Year-2022 Thana- BARURAJ District- Muzaffarpur

MINTU RAI S/O GANPAT RAI R/O Village- Mataiya, P.S- Baruraj, Distt.-
Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Pandey, Adv.
For the Opposite Party/s : Mr.Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 21-09-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Baruraj
P.S. Case No. 217 of 2022 registered for the offence under
Sections 302, 201 and 120(B)/34 of the Indian Penal Code.

The daughter of the informant is alleged to have been
killed by the petition on account of non-fulfillment of demand of
dowry.

Learned counsel appearing for the petitioner submits
that the petitioner is innocent and has falsely been implicated in
this case. He further submits that the petitioner happens to be
brother-in-law of the deceased and he has not played any role in
the alleged occurrence. He further submits that on bare perusal
of the F.I.R., it appears that there is no specific allegation of
assault or any overt act is attributed to the petitioner and merely



on the ground of suspicion, he has been made accused in this case. Moreover, co-accused persons having more or less similar allegation has already been granted bail by the court below itself. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 09.12.2022.

Learned A.P.P. for the State on the basis of material available on record and the case diary vehemently opposed the prayer for bail of the petitioner and submits that there is sufficient material on record to suggest the involvement of the petitioner in the present occurrence and the postmortem report also suggest that the deceased has received antemortem injury on her body. The witnesses have also supported the prosecution version which is evident from paragraphs 5,6 and 20 of the case diary.

Considering the facts and circumstances of the case and the rival submission of the parties and gravity of offence, this Court is not inclined to grant the privilege of bail to the petitioner. Accordingly, the prayer for bail of this petitioner is rejected.

(Rajesh Kumar Verma, J)

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