

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42443 of 2022

Arising Out of PS. Case No.-36 Year-2020 Thana- AKILPUR District- Saran

Binay Rai Son Of Sri Sipahi Rai Resident Of Village - Manash , P.S.- Akilpur,
Distt.- Saran.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sucheta Yadav, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Singh, A.P.P

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 22-02-2023 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of three weeks from today.

Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The Petitioner is apprehending his arrest in a case
registered for the offences punishable u/s 304B with 34 of the
Indian Penal Code.

As per the prosecution case, the petitioner was
married to the daughter of the informant in the year 2019. After
marriage the petitioner and other co-accused persons used to
torture the daughter of the informant for the sake of dowry.
When the daughter of the informant made protest for illicit



relationship of the petitioner with the co-accused Babita Devi and Kavita Devi, she was assaulted by the petitioner and his family members due to which she got severely injured and was taken to a private clinic at the village. Thereafter, she was admitted to PMCH, Patna where she died during the course of treatment.

Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. The petitioner has no criminal antecedent as stated in para 3 of the bail petition. The petitioner has neither tortured the daughter of the informant nor demanded dowry. The petitioner is husband of the deceased.

Learned A.P.P. for the State has vehemently opposed the prayer of anticipatory bail of the petitioner by submitting that as per the post mortem report, the injury was caused by hard and blunt substance and death was due to Craniocerebral damage consequent upon head injuries.

Considering the aforesaid facts and circumstances as well as the heinous nature of allegation against the petitioner, I am of the view that no case for grant of anticipatory bail is made out. The prayer for anticipatory bail of the petitioner is rejected with a direction to the petitioner to surrender before the Court



below within six weeks from today and pray for regular bail
which will considered by the learned court below in accordance
with law without being prejudice by this order.

(Chandra Prakash Singh, J)

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