

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58879 of 2023

Arising Out of PS. Case No.-38 Year-2023 Thana- TARAIIYA District- Saran

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1. Pyarchand Rai Son of Late Daroga Rai Resident of Bhalua Shankar Dih, P.S.-Taraiya, District-Saran.
 2. Kundan Rai @ Kundan Kumar Rai Son of Pyarchand Rai Resident of Bhalua Shankar Dih, P.S.-Taraiya, District-Saran.
 3. Vishal Rai @ Vishal Kumar Yadav Son of Upendra Rai Resident of Bhalua Shankar Dih, P.S.-Taraiya, District-Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Harish Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 11-10-2023 At the outset, learned counsel for the petitioners submits that during the pendency of the present application, the petitioner no. 2 has been arrested and, as such, he is not pressing this application on his behalf.

2. Heard Mr. Harish Kumar, learned counsel appearing on behalf of the petitioners and the learned Additional Public Prosecutor for the State.

3. The petitioner nos. 1 and 3, apprehend their arrest in connection with Taraiya P.S. Case No. 38 of 2023, registered for the offences punishable under Sections 304 (B), 201/34 of



the Indian Penal Code.

4. Allegedly, the marriage of the daughter of the informant was solemnized with co-accused Vishwakarma Rai, in the year 2017. Soon after the marriage, she was subjected to demand of motorcycle and on 01.02.2023, the daughter of the informant informed him that all the accused persons, including the petitioners, making a plan to commit some untoward incident. Later on, the informant came to know that her daughter was done to death by all the accused persons.

5. Learned counsel appearing on behalf of the petitioners submits that so far the petitioner no. 1 is concerned, he happens to be an old father-in-law of the deceased, aged about 70 years and the petitioner no. 3 is the nephew of the husband of the deceased, who have nothing to do with the internal affairs of the deceased and her husband. He next submitted that the deceased died by committing suicide, while the petitioners were not even present in the house and, moreover, the husband against whom the entire thrust of allegation has been levelled, he is behind the bar. He also submitted that admittedly the marriage was solemnized in the year 2017 and the occurrence has taken place in the year, 2023 and, as such, any demand of dowry, that too, of the motorcycle,



prima facie, appears to be quite doubtful, apart from the fact that omnibus nature of allegation has been levelled against all the family members.

6. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submits that the death has taken place within seven years of the marriage and the deceased died in unnatural circumstances, apart from the fact that there is allegation of demand of dowry and, as such, the presumption lies against the petitioner.

7. Regard being had to the submissions made on behalf of the parties and considering the omnibus nature of allegation and the relationship of the petitioners with the deceased, coupled with the fact that the husband of the deceased is behind the bar, let the petitioners above named be released on bail, in the event of their 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) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, 1st at Chapra, Saran in connection with Taraiya P.S. Case No. 38 of 2023, 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 petitioners.

(Harish Kumar, J)

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