

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58314 of 2022

Arising Out of PS. Case No.-220 Year-2022 Thana- GARKHA District- Saran

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1. SHYAM BABU RAI S/O PRABHU RAI Resident of Village- Mahmada, P.S.- Garkha, District- Saran.
 2. PRABHU RAI S/O VIJAY RAI Resident of Village- Mahmada, P.S.- Garkha, District- Saran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Krishna Kumar Yadav

For the Opposite Party/s : Mr.Pranav Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

6 06-07-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners seek regular bail in connection with Garkha P.S. Case No. 220 of 2022 registered for the offence under Sections 328, 304B/34 of the Indian Penal Code.

The prosecution case, in brief, is that the informant had married his daughter with petitioner no.1 Shyam Babu Rai in the year of 2019. Further, the accused persons used to torture & assault the informant's daughter due to non-fulfillment of dowry demand. Ultimately, informants daughter has been killed by the accused persons including petitioners by giving her poison.

Learned counsel for the petitioners submits that the



petitioners are innocent and have committed no offence. Both the petitioners are husband & father-in-law of the deceased due to which they have falsely been implicated in this case. It is also submitted that there is no prior complaint against the petitioners regarding demand of dowry or torture to the deceased. They have got no criminal antecedents as stated in para-3 of the bail petition. Moreover, the petitioners are languishing in judicial custody since 21.4.2022.

Learned APP appearing for the state has opposed the prayer of regular bail and submitted that the informant's daughter has been killed within three years of her marriage. The viscera report of the deceased supports the prosecution case wherein, THIMET was detected which is poisonous and commonly used in killing pests. The petitioner no.1 Syam Babu Rai is husband of the deceased upon whom full responsibility to keep his wife well. Further, the witnesses of this case have also supported the prosecution.

Having heard learned counsel for the parties and considering the fact that petitioner no.2 is father-in-law of the deceased as well as his custody, this court is inclined to enlarge him on bail. The above named petitioner no.2 Prabhu Rai is directed to be released on bail in connection with Garkha P.S.



Case No. 2020 of 2022 on furnishing bail bond of Rs.10,000/-
(ten thousand) with two sureties of the like amount each to the
satisfaction of learned J.M. 1st Class, Saran at Chhapra.

So far as petitioner no.1 namely, Shyam Babu Rai is
concerned, he is husband of the deceased upon whom ample
responsibility to keep his wife well, this court is not inclined to
enlarge him on bail and, as such, his prayer for bail stands
rejected.

The trial Court is directed to expedite the trial and
conclude the same as soon as possible.

(Sunil Kumar Panwar, J)

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