

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69314 of 2023

Arising Out of PS. Case No.-275 Year-2021 Thana- TAJPUR District- Samastipur

MITHILESH RAY @ MITHILESH KUMAR RAI S/O NAGINA ROY
VILLAGE- LARUA, PS. TAJPUR (HALAI O.P.), DIST. SAMASTIPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Abhay Kumar, Advocate Mr. Nilendra Choudhary, Advocate
For the Opposite Party/s	:	Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

- 3 20-12-2023 1. Heard learned counsel for the petitioner and learned APP for the State.
2. The petitioner has preferred this application for grant of regular bail in connection with Tajpur (Halai O.P.) P.S. Case no. 275 of 2021 registered under sections 304B and 34 of the Indian Penal Code.
3. As per the prosecution case, the sister of the informant was married to the petitioner herein. The informant states that his sister was regularly beaten up by the accused persons including the petitioner herein for non-fulfillment of demand of dowry by way of a motorcycle. She was ultimately poisoned to death.
4. It has been submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the



case only for the reason of his being the husband of the deceased. The allegations are falsified on the face of the F.I.R insofar as while the allegation is made against the petitioner as also his brother Bimlesh Kumar, from perusal of the Final report which has been annexed to the petition it would transpire that the aforesaid Bimlesh Kumar was not charge-sheeted by the police. The petitioner is in custody since 6.5.2022 and charge-sheet has been submitted in the case. He undertakes to cooperate in the trial.

5. The application for bail is opposed by learned APP for the State who submits that as per the F.S.L report, allegations of poisoning has been confirmed.

6. Having heard learned counsel for the parties and taking into consideration the allegations against the petitioner in the F.I.R, the petitioner being the husband of the deceased together with the allegations of poisoning having been confirmed in the F.S.L report, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

7. Learned trial Court is directed to expedite the trial.

(Partha Sarthy, J)

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