

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.69771 of 2023**

Arising Out of PS. Case No.-35 Year-2023 Thana- VIDYAPATINAGAR District- Samastipur

Nankhi Rai @ Nanki Rai S/O Late Jago Rai Resident Of Village Kancha  
Police Station Vidyapati Nagar, ( Ghatho), Distt - Samastipur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Thakur Brajesh Singh, Advocate

For the Opposite Party/s : Mr. Dr. Mrityunjaya Kr. Gautam, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA**  
**ORAL ORDER**

2      06-11-2023                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Vidyapati Nagar (Ghatho) P.S. Case No. 35 of 2023 registered on 11.03.2023 for the alleged offences under Sections 304(B)/34 of the Indian Penal Code.

3. As per the prosecution case, the daughter of the complainant was married with the son of the petitioner. Allegation against the petitioner and other co-accused persons is that they had been demanding dowry and when the demand was not met, they killed the daughter of the informant.

4. The learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. It is further submitted that daughter of the informant



committed suicide due to depression and initially the mother of the deceased lodged U.D. Case No. 01/2023 dated 05.01.2023 for an occurrence dated 04.01.2023. However, later on, the informant filed a complaint case on 22.02.2023. The husband of the deceased is already in custody and this petitioner has no concern with the co-accused. He was living separate in mess and business. There is general and omnibus allegation against the petitioner. Petitioner is in custody since 19.06.2023 and is having clean antecedent. Charge-sheet has been submitted.

5. Learned APP opposes the submission made on behalf of the petitioner. The learned APP submits that that it appears from the post mortem report that the viscera has been preserved and sent for FSL examination and cause of death was not ascertained.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that the petitioner is father-in-law of the deceased and husband of the deceased is already in custody and further considering the period of custody and submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of



learned Judicial Magistrate 1<sup>st</sup> Class, Dalsingsarai in connection with Vidyapati Nagar (Ghatho) P.S. Case No. 35 of 2023, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

**(Arun Kumar Jha, J)**

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