

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67638 of 2022

Arising Out of PS. Case No.-422 Year-2022 Thana- BUXAR MUFFSIL District- Buxar

KAMLESH RAI Son of Sheo Narayan Rai Resident of Village- Kamarpur,
P.S.- Buxar Muffasil, District- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 67698 of 2022

Arising Out of PS. Case No.-422 Year-2022 Thana- BUXAR MUFFSIL District- Buxar

PUJA RAI @ SIVANGI RAI W/O ABHISHEK RAI Resident of village-
Kamarpur, P.S.- Buxar Muffasil, District- Buxar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 67638 of 2022)

For the Petitioner/s : Mr. Ravi Shankar Pathak, Adv.

For the Opposite Party/s : Mr. Meena Singh, APP

(In CRIMINAL MISCELLANEOUS No. 67698 of 2022)

For the Petitioner/s : Mr. Ravi Shankar Pathak, Adv.

For the Opposite Party/s : Mr. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 23-06-2023 Heard learned counsel for the petitioners and the
learned A.P.P. for the State.

The petitioners seek bail in connection with Buxar
Muffasil P.S. Case No. 422 of 2022 registered for the offence
under Sections 341, 323, 307, 498(A) and 304(B) of the
Indian Penal Code and Section 3/4 of the D.P. Act.



The sister of the informant is alleged to have been burnt by the petitioners and others accused persons on account of non-fulfillment of demand of dowry.

Learned counsel appearing for the petitioners submits that the petitioners, who are of clean antecedent, are innocent and have falsely been implicated in this case. He further submits that the petitioner, namely, Kamlesh Ray happens to be father-in-law of the deceased and the petitioner, namely, Puja Rai @ Sivangi Rai happens to be sister-in-law (Jethani) of the deceased and they have never ever assaulted the deceased nor they have demanded any dowry from the deceased in any manner. They have no concern at all with the internal affairs of the deceased and her husband. The petitioners are rotting in judicial custody since 26.09.2022 and 19.10.2022, respectively.

Learned A.P.P. for the State on the other hand on the basis of material available on record and the case diary vehemently opposed the prayer for bail of the petitioners and submits that the statement of the victim (dying declaration) was recorded in the presence of doctor in which she has categorically stated that petitioners have assaulted her and poured petrol and kerosene oil and set her on fire.



She further categorically stated that her father-in-law demanded dowry from her and compelled her to sell the land and house and bring money from your mother. She has also stated that her sister-in-law, who is petitioner before this Court, is having illicit relation with the husband of the deceased. He further submits that statement of the victim on dying bed is more than sufficient and a substantive piece of evidence of the alleged occurrence which demonstrate the active participation of the petitioners. Therefore, these petitioners do not deserve to be enlarged on bail.

Considering the facts and circumstances of the case and nature of allegation and the dying declaration of the deceased, this Court is not inclined to enlarge the petitioners on bail. Accordingly, prayer for bail of these petitioners is, hereby, rejected.

(Rajesh Kumar Verma, J)

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