

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25154 of 2024

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

Surya Dev Rai son of Kamlesh Rai @ Kamleshwar Rai Village- Kamarpur
Ps- Buxar Muffasil Dist- Buxar

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Amrendra Neeraj, Advocate
For the Informant	:	Mr. Satish Kumar Pandey, Advocate
For the State	:	Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 17-05-2024 Heard Mr. Amrendra Neeraj, learned counsel for the petitioner and Mr. Satish Kumar Pandey, learned counsel for the Informant as well as Mr. Sanjay Kumar Tiwary, learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Session Trial No. 08 of 2023 arising out of Buxar Muffasil P.S. Case No. 422 of 2022, FIR dated 25.09.2022 for the offences punishable under Sections 341, 323, 307 and 498(A) of the Indian Penal Code and Section 3/4 of the D.P. Act and later on Section 304(B) of the Indian Penal Code was also added.

3. Learned counsel appearing for the petitioner submits that the petitioner, who is of clean antecedent, is innocent and has falsely been implicated in this case merely on



the ground that the petitioner is husband of the deceased. He further submits that from a bare perusal of the FIR it appears that there is no specific allegation of any assault or overt act against the petitioner rather general and omnibus allegation attributed against all the accused persons including the petitioner. The petitioner is rotting in judicial custody since 08.12.2022.

4. Learned counsel for the informant as well as learned A.P.P. for the State, on the other hand, have opposed the prayer for bail of the petitioner and submits that it has come during the investigation in the statement of the victim (dying declaration) recorded in presence of the Doctor in which she has categorically stated that the petitioner has assaulted her and also poured petrol and kerosene oil and set her on fire. He further submits that the bail applications of the co-accused persons, namely, Kamlesh Rai (father-in-law) and Puja Rai (sister-in-law) have already been rejected by this Court vide order dated 23.06.2023 passed in Cr. Misc. No. 67638 of 2022 and Cr. Misc. No. 67698 of 2022 apart from that the post-mortem report of the deceased also support the allegation as alleged in the FIR. He further submits that the report of the learned trial Court dated 22.04.2022 reveals that out of eleven charge-sheeted witness,



four witnesses have already been examined.

5. Considering the facts and circumstances of the case as well as the report of the trial Court, I am not inclined to enlarge the petitioner on bail in connection with Session Trial No. 08 of 2023 arising out of Buxar Muffasil P.S. Case No. 422 of 2022 pending in the Court of Additional Sessions Judge-V, Buxar.

6. Prayer is refused.

7. However the learned Trial Court is directed to expedite the trial and conclude the same at the earliest.

(Rajesh Kumar Verma, J)

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