

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26390 of 2024

Arising Out of PS. Case No.-416 Year-2023 Thana- HAJIPUR SADAR District- Vaishali

Butan Rai @ Bhutan Rai Son of Kishundev Rai @ Bishundev Rai @
Mukhiya Ji Resident of Village- Eraji Nanha, P.S.- Hajipur Sadar, Dist.-
Vaishali Petitioner/s

Versus

The State of Bihar Patna Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Thakur, Adv.
Mrs. Vaishnavi Singh, Adv.
Mr Ritwik Thakur, Adv.
For the Opposite Party/s : Mr.J.N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY
ORAL ORDER

4 20-08-2024 Heard the learned counsel for the petitioner as well
as the learned Additional Public Prosecutor for the State.

2. The petitioner is seeking regular bail in connection
with Hajipur Sadar P.S. Case No. 416 of 2023 for the offences
punishable under Sections 304(B)/34 of the Indian Penal Code.

3. As per allegation, the marriage of daughter of the
informant was solemnized with the petitioner four years prior to
the occurrence. On 02.06.2023, the informant received an
information from a villager of the matrimonial village of his
daughter that the matrimonial inmates had committed her
murder and the dead body was lying in the postmortem house.
The informant went to the place where the postmortem was
being conducted. Some villagers were gossiping that Bhutan Rai
@ Bhutan Rai, the petitioner and other accused persons had
committed murder of the deceased. As per allegation, the
accused persons were inflicting atrocities on the deceased and
were also demanding a motorcycle in dowry.

4. The learned counsel for the petitioner has submitted



that the petitioner is innocent and has falsely been implicated in this case. He has further submitted that the postmortem report shows that the deceased had committed suicide. As per opinion of the doctor, who conducted the autopsy, the cause of death was asphyxia and ligature mark was found around the neck of the deceased. He has also submitted that in the last line of the FIR, the allegation of demand of a motorcycle has been added, which is nothing but a false allegation. He has next submitted that the investigating authorities, during course of investigation have found that the petitioner, who is a person of unsound mind, used to quarrel with his wife and she died by committing suicide. The investigating authorities submitted final form against the petitioner. The petitioner is under custody since 20.09.2023.

5. On the other hand, the learned APP for the State has opposed the prayer for bail and submitted that the petitioner is husband. He is named in the FIR. There is specific allegation of demand of a motorcycle and the deceased was done to death at the hands of her matrimonial inmates including the petitioner within four years of marriage.

6. The postmortem report shows that except the ligature mark around the neck of the deceased, no other external



injury was found on the person of the deceased, which shows that prior to her death, no assault was made on her. The investigating authorities did not find the case true against the petitioner and other matrimonial inmates.

7. Considering the above-mentioned facts and circumstances, let the petitioner above-named be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand rupees) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Hajipur Sadar P.S. Case No. 416 of 2023, subject to the following conditions:-

- (i) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court.
- (ii) **The petitioner shall remain present on each and every date before the learned court below till framing of the charges.**

(Nawneet Kumar Pandey, J)

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