

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31790 of 2024

Arising Out of PS. Case No.-140 Year-2023 Thana- SAHEBGANJ District- Muzaffarpur

Akhilesh Kumar Rai, Son of Late Basudeo Rai, village- Bhalui sikandar P.S
-Sahebganj District -Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Bela Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 30-08-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Sahebganj P.S. Case No. 140 of 2023, registered on 06.04.2023 for the offences under Sections 304B/34 of the Indian Penal Code.

3. As per prosecution case, daughter of the informant died within seven years of her marriage in her matrimonial home and there is allegation that the petitioner and other co-accused persons caused her death due to non-fulfillment of demand of Bullet motorcycle and the deceased was tortured and assaulted by them.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely



implicated in this case. Petitioner is the husband of the deceased and for this reason he has been falsely implicated in this case. No occurrence as alleged has ever taken place. Petitioner never made any demand of dowry and never assaulted or tortured the daughter of the informant. Learned counsel further submits that the real fact of the case is that the deceased was ill and the petitioner himself got her admitted in Prasant Medical Hospital, Muzaffarpur but her life could not be saved. Informant was fully aware of all the facts but at the instance of enemies of the family of the petitioner, he has lodged the false and concocted case against the petitioner and his other family members. However, after getting knowledge of real facts, a petition has been filed on behalf of the informant on 08.05.2023 before the court concerned. Learned counsel further submits that from the FIR, it is evident that the marriage had taken place more than seven years ago and for this reason no offence under Section 304B of IPC is made out against the petitioner. Moreover, allegations are general and omnibus and no specific allegation has been levelled against the petitioner. Petitioner is having clean antecedent. Other co-accused Indradev Rai and Sakila Devi @ Ramjhari Devi have been granted anticipatory bail by this Court vide order dated 18.04.2024 passed in Cr. Misc. No. 17485 of 2024.



5. Learned APP opposes the submission made on behalf of the petitioner. Learned APP submits that there is specific allegation against the petitioner and other co-accused persons for causing dowry death of the daughter of the informant.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the lack of substantive material against the petitioner to connect him with the offence as alleged and further considering the vague nature of allegation against the petitioner and also considering the clean antecedent of the petitioner coupled with probability of false implication, let the petitioner named above, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Court No.-4, West Muzaffarpur/ court concerned in connection with Sahebganj P.S. Case No. 140 of 2023, subject to the condition laid down under section 438(2) of the Code of Criminal Procedure and other 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, if so
required by the learned trial court.

(Arun Kumar Jha, J)

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