

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37217 of 2024

Arising Out of PS. Case No.-21 Year-2024 Thana- DIDARGANJ District- Patna

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1. Dinesh Rai, male, aged about-55 years, son of Nabab Rai, R/o- Didarganj Near Bajranbali Temple P.S.- Didarganj, District- Patna
 2. Renuka Devi, female, aged about-48 years, W/O- Dinesh Rai, R/O- Didarganj Near Bajranbali Temple, P.S.- Didarganj, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar Sharma, Advocate
For the State	:	Mr. Shantanu Kumar, A.P.P.
For the Informant	:	Mr. Chandrasekhar Sharma, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 26-06-2024 Heard Mr. Sanjay Kumar Sharma, learned counsel appearing on behalf of the petitioners; Mr. Shantanu Kumar, learned APP for the State and Mr. Chandrasekhar Sharma, learned counsel for the informant.

2. The petitioners seek pre-arrest bail in connection with Didarganj P.S. Case No. 21 of 2024, registered for the offence punishable under Sections 302/34 of the Indian Penal Code.

3. As per the allegation made in the FIR, petitioners along with their family members had assaulted the informant and his family members, due to which, son of the informant, namely, Raushan Kumar had sustained head injury and had died



in course of treatment.

4. Learned counsel appearing on behalf of the petitioners submitted that petitioners are innocent and have falsely been implicated in the present case. He further submitted that the deceased had died natural death and the allegation made in the FIR is an afterthought as would appear from the information given in the FIR that the alleged incidence took place on 09.12.2023 and FIR was instituted on 21.01.2024 and fardbeyan was recorded on 09.01.2024 after delay of nearly one month from the date of incidence. He further submitted that police station is just one kilometer away from the place of incidence. He further submitted that the allegation of committing assault on the head of the son of the informant is against one Munna Kumar. Petitioners have clean antecedent. On these grounds, petitioners seek to be released on pre-arrest bail.

5. Learned counsel appearing on behalf of the informant submitted that petitioners used to torture the daughter of the informant and when the family members of the informant went to their house for conversation, they had assaulted the son of the informant, namely, Raushan Kumar, due to which, he died in course of treatment. He further submitted that the delay in



lodging of the FIR is not latches of the informant rather the situation was such that the deceased required urgent attention and treatment to save his life and petitioners don't deserve to be released on pre-arrest bail.

6. Learned APP for the State has also vehemently opposed the prayer for grant of pre-arrest bail.

7. Having considered the rival submissions made on behalf of the parties, the main ground for bail as urged on behalf of the petitioner is that they never raised any demand of dowry nor tortured the daughter of the informant. Main accused is one Munna Kumar, who had assaulted the son of the informant on his head, due to which, he died in course of treatment and the petitioners being father-in-law and mother-in-law of the deceased, nowhere connected with the alleged incidence. The delay in lodging of the FIR has also been well explained by the learned counsel appearing on behalf of the informant.

8. The petitioners are directed to surrender before the learned district court and the learned district court concerned is directed to call for the case diary and in case, if it is found that the petitioners are innocent, then the learned district court must consider to pass appropriate order same day in accordance with law.



9. Accordingly, the present bail application is disposed of.

(Purnendu Singh, J)

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