

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35007 of 2024

Arising Out of PS. Case No.-294 Year-2020 Thana- DHORAIYA District- Banka

1. Meena Devi Wife Of Santosh Rai Resident Of Village - Shashan, P.S. - Dhuraiya, District - Banka
2. Santosh Rai Son Of Late Bhusi Rai Resident Of Village - Shashan, P.S. - Dhuraiya, District - Banka
3. Chhotu Ray @ Chhotu Rai @ Chhotu Kumar Rai Son Of Santosh Rai Resident Of Village - Shashan, P.S. - Dhuraiya, District - Banka

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Nandan Prasad, Advocate
For the Opposite Party/s : Mr. Syed Ehteshamuddin, A.P.P.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 07-08-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners seek regular bail in connection with
S.T. No. 723/2023 (arising out of Dhuraiya P.S. Case No. 294 of
2020) lodged on 31.10.2020 under Section 302/34 of the Indian
Penal Code.

3. Learned counsel for the petitioners submits that the
petitioners were earlier moved before this Hon'ble Court vide
order in Criminal Miscellaneous No. 81637 of 2023. In the said
criminal miscellaneous, provisional bail was granted to the
petitioners vide order dated 05.03.2024 with certain conditions.



Paragraph No. 7 (vi) of the said order is as under :

"(vi) The trial Court is directed that upon receiving the FSL report if it has come that the cause of death is due to consumption of poison then the bail bond of the petitioners shall be cancelled and in case it has been found that she has not died due to consumption of poison then in that case their bail bonds shall be confirmed. The trial Court is directed to expedite the trial."

4. He submits that since the FSL report suggests the cause of death due to poison, hence the trial Court has not granted bail to the petitioners. Learned counsel for the petitioners further submits that the petitioners are in custody since 19.08.2023, having no criminal antecedent.

5. Learned counsel for the State opposes the prayer for bail and submits that progress report has been called for.

6. Upon perusal of the progress report of the trial, it transpires to this Court that trial Court has indicated that the trial is likely to be concluded within nine months. As such, this Court is not inclined to grant bail to the petitioners.

7. Accordingly, the prayer for regular bail of the petitioners in connection with S.T. No. 723/2023 (arising out of Dhoraiya P.S. Case No. 294 of 2020), pending before the



learned Additional Sessions Judge-I, is hereby rejected.

8. However, the trial Court is directed to expedite the trial.

(Dr. Anshuman, J.)

Ashwini/Aman/-

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