

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46217 of 2024

Arising Out of PS. Case No.-135 Year-2022 Thana- PUNAURA District- Sitamarhi

Rajesh Rai @ Rajesh Yadav S/O Hanuman Ray, R/O Village- Raghapur Bakhri, P.S.- Punaura, Dist.- Sitamarhi.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Vikash Kumar Jha, Advocate
For the Opposite Party : Mr. Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

- 2 11-07-2024 Heard Mr. Vikash Kumar Jha, the learned counsel

for the petitioner and Mr. Md. Aslam Ansari, the learned

Additional Public Prosecutor for the State.
2. Petitioner seeks regular bail who is in custody since

13.03.2024 in connection with Punaura P.S. Case No. 135 of

2022, FIR dated 17.06.2022, registered for the offences

punishable under Sections 304(B), 201, 120(B) and 34 of the

Indian Penal Code.
3. According to the prosecution case, daughter of the

informant was subjected to regular torture and abuse by her in-

laws over non-fulfillment of dowry demand and later she was

alleged to be murdered by her in-laws with the help of co-

villagers and they also disappeared her dead body.
4. Learned counsel for the petitioner submits that



petitioner has clean antecedent and he has falsely been implicated in the present case and the allegation levelled in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. In fact, petitioner is uncle of the husband of the deceased and upon perusal of the FIR, it appears that there is no specific allegation of any assault or overt act or demand of dowry attributed against the petitioner, rather there is general and omnibus allegation against all the co-accused persons including the petitioner. He further submits that the father-in-law and mother-in-law of the deceased namely, Mukesh Kumar @ Mukul Rai and Phulo Kumari Devi @ Phul Kumari Devi have been granted the privilege of the anticipatory bail vide order dated 05.05.2023 passed in Cr. Misc. No. 5057 of 2023 by a co-ordinate Bench of this Court and other co-accused persons namely, Raja Kumar @ Raja Babu Kumar and Suraj Kumar have been granted the privilege of anticipatory bail vide order dated 11.10.2023 passed in Cr. Misc. No. 57315 of 2023 by a co-ordinate Bench of this Court. He lastly submits that the police after investigation has submitted the chargesheet and the petitioner is in judicial custody since 13.03.2024 and the husband of the deceased namely, Anmol Rai is in judicial custody.



5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances and mainly the facts that petitioner has clean antecedent, he is the uncle of the husband of the deceased and there is no specific allegation of any assault or overt act or demand of dowry and other co-accused persons have been granted the privilege of anticipatory bail,, let the petitioner, above-named, 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 the learned Chief Judicial Magistrate, Sitamarhi, in connection with **Punaura P.S. Case No. 135 of 2022**, subject to the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned trial Court.

(ii). If the petitioner tampers with t44541he evidence or the witnesses, in that case, the prosecution will be at



liberty to move for cancellation of bail.

(iii). And further condition that the learned trial Court shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the learned trial Court shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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