

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44817 of 2024

Arising Out of PS. Case No.-32 Year-2024 Thana- PUNAURA District- Sitamarhi

Kapileshwar Rai Son of Achelal Ray Resident of Village - Mirzapur, P.S.-
Punaura, District - Sitamarhi (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shivnandan Bharti, Adv.

For the Opposite Party/s : Mr.Satya Nand Shukla, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 25-09-2024 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Punaura
P.S. Case No. 32 of 2024 instituted for the offences under
Sections 304, 201/34 of the Indian Penal Code.

3. As per prosecution case, the accusation against the
accused persons including the petitioner is of committing
murder of the deceased for non-fulfillment of dowry demand
and, thereafter, cremated the same in the late night. It is alleged
that when the dead body was not fully burnt, the same was kept
inside the ditch and, thereafter, the corps of the dead body was
recovered by the police.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. The petitioner is not named in the F.I.R. and his name has surfaced in this case on the basis of the secret information given by the spy. He further submits that after taking into custody, the police took the forceful confession of the petitioner which has no evidentiary value in the eye of law. Except confession, there is nothing against the petitioner. Learned counsel for the petitioner further submits that the petitioner has been implicated in this case being an elder brother of the deceased husband. The petitioner has no criminal antecedent and is languishing in judicial custody since 12.03.2023 without any rhymes or reason. There is no witness to support the prosecution case. The Investigating Officer after completion of investigation has submitted charge-sheet against the petitioner under Sections 304/201/34 of the I.P.C.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the police has recovered half burnt human corps which was sent to hospital for examination. The allegation alleged against the petitioner is serious in nature and hence, he does not deserve bail by this Court.



6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner and the petitioner having no criminal antecedent, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Punaura P.S. Case No. 32 of 2024, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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