

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46591 of 2024

Arising Out of PS. Case No.-254 Year-2022 Thana- BACHHWARA District- Begusarai

Sushil Rai @ Bhulla @ Bhulla Rai @ Sushil Ray Son Of Bishundeo Rai @
Kishundeo Rai Village- Chamtha, Nayatola, (Nayatol), Chamtha (Barkhut),
P.S.- Bachhwra, Distt.- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Advocate

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 10-07-2024 Heard Mr. the learned Advocate for the petitioner and
the learned APP for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Bachhwara P.S. Case No. 254 of 2022
registered for the offence punishable under Sections 304(B), 201
and 120(B)/34 of the Indian Penal Code.

3. The marriage of the daughter of the informant was
solemnized with Chandrabhushan Kumar, the brother of the
petitioner on 06.04.2022. The allegation against the petitioner
and all the family members is of demand of dowry and on
account of non fulfillment of the same, the daughter of the
informant was done to death and her dead body has been thrown
in the river Ganges.

4. Learned Advocate for the petitioner referring to the



FIR submits that it is evident that the information in this regard has received by the informant on 02.10.2022 itself, but the FIR has instituted on 04.10.2022 after delay of two days. The prosecution also alleges a general and omnibus allegation against all the family members. It is next submitted that the petitioner has been residing separately and he has nothing to do with the affairs of the deceased and her husband. Drawing the attention of this Court to Annexure-2 to the bail application, learned Advocate further contended that one of the brother-in-law of the deceased, namely, Chandeshwar Roy has been put on trial, however, during the course of trial, the informant and other witnesses have not supported the prosecution case and they have admitted this fact that there was no demand of dowry and ill treatment on the part of the family members, leading to acquittal of co-accused Chandeshwar Roy vide judgment/order dated 16.06.2023. It is lastly contended that the petitioner is brother-in-law, having no specific allegation and he has been in judicial custody since 26.09.2023, with fair antecedent.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that soon after the marriage, deceased was done to death.

6. Regard being had to the submissions made on behalf of the parties and considering the general and omnibus



nature of allegation and the fact that co-accused persons, having identical allegation, was put on trial has been acquitted by the trial Court. Taking into consideration the fact that the informant and other witnesses have not supported the prosecution case, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Begusarai in connection with Bachhwara P.S. Case No. 254 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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