

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77073 of 2024

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

Ramesh @ Ramesh Rai @ Ramesh Kumar Son of Late Achelal Ray Resident
of Village- Mirzapur, P.S.- Punaura, Distt.- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vikash Kumar Jha, Advocate
For the Opposite Party/s : Mr. Surendra Prasad Singh, APP

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

ORAL ORDER

4 19-12-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State. Perused the case diary.

2. The petitioner apprehends his arrest in connection
with Punaura P.S. Case No. 32 of 2024 registered for the
offences punishable 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 corpse 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 FIR and his name has surfaced in this case on the basis of the confessional statement of co-accused and the same has no evidentiary value in the eye of law. Petitioner is *devar* of the deceased and the death so occurred is natural. There is no eye witness to the occurrence. Petitioner is a man of clean antecedent. It is submitted that other co-accused has been granted regular bail by this Court *vide* order dated 25-09-2024, passed in Cr. Misc. No. 44817 of 2024.

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 corpse which was sent to hospital for examination. The allegation alleged against the petitioner is serious in nature and hence, he does not deserve anticipatory bail by this Court.

6. Considering the rival submissions made by the learned counsel for the parties and taking into account the nature and gravity of the offence, this Court is not inclined to grant anticipatory bail to the petitioner. Prayer for anticipatory bail is ***rejected.***



7. However, if the petitioner surrenders before the court below within a period of four weeks from today and prays for regular bail, the same shall be considered by the court below in accordance with law without being prejudiced by the order of this Court.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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