

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80919 of 2024

Arising Out of PS. Case No.-122 Year-2024 Thana- RAJAPAKAR District- Vaishali

Baleshwar Ray @ Baleshwar Roy S/O Late Kuldip Ray R/O Village-
Andhawara, P.S- Barati Rajapakar, District- Vaishali

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Rupa Kumari, Advocate
For the Opposite Party : Mr. Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 03-12-2024 Heard Mr. Rupa Kumari, 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
12.08.2024, in connection with Barati Rajapakar P.S. Case No.
122 of 2024, FIR dated 11.04.2024, registered for the offences
punishable under Sections 304(B) and 201 read with Section 34
of the Indian Penal Code.

3. According to the prosecution case, informant
received information from her aunt that informant's daughter
has been killed by her in-laws.

4. Learned counsel for the petitioner submits that
petitioner has falsely been implicated in the present case. He
further submits that the allegation levelled in the FIR is false
and fabricated and the petitioner has not committed any offence



as alleged in the FIR. He further submits 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 petitioner is father-in-law of the deceased and co-accused person namely, Lariya Devi @ Lali Devi, who happens to be the mother-in-law of the victim, has been granted the privilege of anticipatory bail by this Court vide order dated 01.10.2024 passed in Cr. Misc. No. 64534 of 2024. He further submits that the son of the petitioner namely, Jayshankar Ray @ Bhula Ray is in judicial custody since 12.04.2024. He lastly submits that the police after investigation has submitted the charge sheet against the petitioner and the petitioner is in custody since 12.08.2024.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one, however, he fairly submits that petitioner is on bail in the pending matter.

6. Considering the aforesaid facts and circumstances and mainly the facts that there is no specific allegation of any assault or overt act or demand of dowry attributed against the



petitioner, the husband of the victim is already in judicial custody and similarly situated co-accused person (mother-in-law of the victim) has been granted the privilege of anticipatory bail by this Court, 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 Judicial Magistrate 1st Class-cum-Additional Munsif-VII, Vaishali at Hajipur, in connection with **Barati Rajapakar P.S. Case No. 122 of 2024**, 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 the 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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