

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81637 of 2023

Arising Out of PS. Case No.-294 Year-2020 Thana- DHORAIYA District- Banka

1. Meena Devi W/O Santosh Rai R/O Village- Shashan, P.S- Dhoriaya, Distt.- Banka.
2. Santosh Rai S/O Late Bhushi Rai R/O Village- Shashan, P.S- Dhoriaya, Distt.- Banka.
3. Chhotu Ray @ Chhotu Rai S/O Santosh Rai R/O Village- Shashan, P.S- Dhoriaya, Distt.- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha, Advocate
For the Opposite Party/s : Mr. Dashrath Mehta, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 05-03-2024 Heard learned counsel for the petitioners, learned counsel for the Informant and learned Additional Public Prosecutor for the State.

2. The petitioners seek regular bail in connection with Dhoriaya P.S. Case No. 294 of 2020, lodged on 31.10.2020, under Section 302/34 of the I.P.C.

3. As per the prosecution, FIR has been lodged against 10 accused persons against whom there is an allegation that they in connivance with each other have killed the sister of the informant by assaulting iron rod as well as by continuous torture and administering poison by the petitioner.



4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. Counsel submits that the mental position of the deceased was not good after accidental death of her husband. She was continuing in the depression stage. Counsel submits that in the case-diary of paragraph-18 the villager have disclosed that she used to live in depression and she was ill when they were going to hospital in the way she died. Counsel further submits that antecedent of the petitioners are clean. Counsel submits that the petitioners are in custody since 19.08.2023. Counsel further submits that some of the co-accused persons whose case are exactly similar to the present petitioners have been granted bail vide order dated 18.01.2024 passed in Cr. Misc. No.82121 of 2023.

5. Learned counsel for the State opposes the prayer for bail.

6. Learned counsel for the informant vehemently opposes the prayer for bail and submits that the involvement of the petitioner is there in the present case. He submits that the content of the FIR indicates that panchaity took place in the family so that to maintain peace but the accused persons are not obeying the panchaiti and subsequently in connivance with each



other have administered poison to the deceased. Earlier case diary was called for. From the post mortem report, it transpires to this Court that opinion of cause of death has been kept reserved for want of FSL report.

7. As such, let the petitioners, above named, be granted **provisional bail** on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka, in connection with Dhoraiya P.S. Case No.294/2020, subject to the following conditions:

(i) One of the bailor should be the family member of the petitioners who shall provide official document to show his *bona fide*;

(ii) The petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bonds by the Trial Court itself;

(iii) The petitioners shall appear before the concerned police station every month for one year to mark attendance;

(iv) The petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for



cancellation of the bail bonds; and

(v) The petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(vi) **The trial Court is directed that upon receiving the FSL report if it has come that the cause of death is due to consumption of poison then the bail bond of the petitioners shall be cancelled and in case it has been found that she has not died due to consumption of poison then in that case their bail bonds shall be confirmed. The trial Court is directed to expedite the trial.**

(Dr. Anshuman, J)

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