

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8553 of 2024

Arising Out of PS. Case No.-317 Year-2020 Thana- BHANGWANPUR HAT District- Siwan

Santosh Ray @ Santosh Yadav @ Santosh Kumar Son Of Sitaram Yadav
Resident Of Village- Shankarpur Khedupur Ke Tola, PS- Bhagwanpur, Hat,
Distt- Siwan. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary, Advocate

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

5 10-01-2025 Heard Mr. Ajay Kumar Tiwary, learned counsel
appearing on behalf of the petitioner and Mr. Anil Kumar Singh
No. 1, learned APP for the State.

2. The petitioner seeks regular bail in connection
with Bhagwanpur Hat P.S. Case No. 317 of 2020, registered for
the offence punishable under Sections 304(B), 201/34 of the
Indian Penal Code.

3. As per the allegation made in the FIR, the petitioner
demanded dowry from the daughter of the informant and on
non-fulfillment of demand of dowry, the family members of the
petitioner used to assault her and thereafter committed her



murder.

4. Learned counsel appearing on behalf of the petitioner submitted that petitioner is innocent and has falsely been implicated in the present case. The petitioner is the husband of the deceased (daughter of the informant) and he has not been named in the FIR. The petitioner was outside of the village at the time of alleged occurrence. Learned counsel further submitted that no such allegation has been made in the FIR that before the alleged occurrence, any demand of dowry was made. He further submitted that several independent witnesses have supported the fact that the petitioner was not present in the village at the time of alleged commission of murder and disposal of the deceased's body in a clandestine manner. Learned counsel also submitted that all the family members, including the father-in-law and mother-in-law of the deceased, have been released on bail. The petitioner has clean antecedent and he is in custody since 13.10.2023. On these grounds, the petitioner seeks to be released on bail.

5. Learned APP for the State vehemently opposed the prayer for grant of bail and submitted that the petitioner has not been able to make out a case that there is every likelihood of the petitioner to be acquitted in the light of law laid down by the



Apex Court in the case of *Manno Lal Jaiswal vs. The State Of Uttar Pradesh* in Criminal Appeal No.97 of 2022.

6. Having considered the rival submissions made on behalf of the parties, as well as, having perused the FIR and the case diary, I find from the very perusal of the FIR that the allegation has been made against the father-in-law of the deceased, who on two occasions came to the house of the informant to take the deceased and the petitioner has not been named in the FIR and nor the FIR establishes the fact that the petitioner, after marriage, had demanded dowry, rather the father-in-law and the mother-in-law of the deceased, against whom specific allegation has been made, relating to the demand of dowry and commission of murder of the daughter (deceased) of the informant, have been released on bail. Considering the fact that the petitioner was not in the village at time of commission of crime and the same is also supported by the statement of several independent witnesses, which were recorded during course of investigation by the investigator, specifically in para nos. 17 and 47 of the case diary, who have stated that the petitioner was not in the village at the time of alleged incident. I am of the opinion that petitioner has, prima facie, made out a case that there is every likelihood of the



petitioner to be acquitted, on the basis of the fact that he was not named in the FIR, neither any allegation was made by the informant that the petitioner has assaulted his daughter, at any point of time, after the marriage and even before her death, nor he had demanded dowry or tortured the deceased. I am of the opinion that petitioner has, prima facie, made out a case to be released on pre-arrest bail.

7. The learned District Court is directed to release the petitioner, above named, on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate- Ist Class, Siwan in connection with Bhagwanpur Hat P.S. Case No. 317 of 2020 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.



(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bond.

(v) The learned District Court is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J.)

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