

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47398 of 2025

Arising Out of PS. Case No.-314 Year-2024 Thana- JAYNAGAR District- Madhubani

Vishwajit Rai @ Monal Rai S/O Nirmal Rai R/O village-Parsha, P.S.-
Jaynagar, District-Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. V. N. P. Sinha, Sr. Advocate Mr. Sanjay Kumar Singh, Advocate Mr. Rajesh Kumar, Advocate
For the Opposite Party/s :	Mr. Sunil Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 30-07-2025 Heard learned senior counsel for the petitioner and
learned APP for the State.

02. In the present case, the petitioner seeks bail in connection with Session Trial No. 127 of 2025 arising out of Jaynagar P.S. Case No. 314 of 2024 registered for the alleged offences under Sections 103, 3(5) of Bharatiya Nyaya Sanhita, 2023.

03. As per prosecution case, the daughter of the informant was married with this petitioner in the year 2011 and out of this marriage, birth of a child took place, who is aged about 11 years. The allegation against the petitioner is that he along with other co-accused persons started demanding Rs. 5 lakh from the informant's daughter for construction of a house



and due to nonfulfillment of the said demand, the daughter of the informant was being tortured. Subsequently, the petitioner and other co-accused persons assaulted and killed the daughter of the informant.

04. Learned senior counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Learned senior counsel further submits that just three days prior to the occurrence, the daughter of the informant was taken away for medical examination and in ultrasound, it was discovered that she had stone in gall bladder. The Medical Board, after conducting the postmortem, was unable to conclude that the deceased died due to any visible external injuries. The postmortem report indicating abdominal distress and septic features are consistent with the earlier medical findings. Learned senior counsel further submits that in the night of the alleged occurrence, while proceeding to attend the call of nature, the deceased perhaps had a sudden blackout and when coming down to stairs, she fell down and received some injuries. The injuries mentioned in the postmortem report might have been received due to this fall. The postmortem report also shows death might have been caused due to peritonitis leading to septicemia and cardio



respiratory arrest. Learned senior counsel further submits that it is also not believable that after 13 years of marriage any dowry demand would be made. Learned senior counsel further submits that the whole prosecution story reveals the innocence of the petitioner. In fact, the informant tried to extort money from the petitioner and when he became unsuccessful, lodged this false case against the petitioner and his family members. The petitioner is in custody since 03.12.2024 and charge-sheet has been submitted. The petitioner is having antecedent of one case.

05. Learned APP for the State opposes the prayer for bail.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the doubt over the exact cause of death and also considering the period of custody of the petitioner along with submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Principal Sessions Judge, Madhubani/court concerned in connection with Jaynagar P.S. Case No. 314 of 2024, subject to the conditions mentioned in Section 480(3) of BNSS and the following conditions:



- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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