

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.85459 of 2024**

Arising Out of PS. Case No.-338 Year-2023 Thana- SHAHPUR PATORI District- Samastipur

Gajendra Rai @ Gajendra Kumar S/O Ram Nath Rai @ Natho Rai Resident  
of Village- Hetanpur, P.S- Shahpur Patori, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Shankar Prasad Roy, Advocate

For the Opposite Party/s : Mrs. Asha Devi, APP

**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**  
**ORAL ORDER**

5      05-06-2025                      Heard Learned Counsel for the petitioner and  
Learned APP for the State.

2. The present criminal miscellaneous application has been filed under Sections 483 and 484 of the Bhartiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as the 'BNSS, 2023') for grant of regular bail to the petitioner who is in custody in connection with Shahpur Patori P.S. Case No.338 of 2023, lodged on 19.05.2023, under Sections 341, 323, 498-A, 304B, 504, 506, 34 of the Indian Penal Code and Sections 3 and 4 of Dowry Prohibition Act.

3. As per the prosecution, FIR has been lodged against three named accused persons including the present petitioner, who is alleged to be the husband of the deceased. The allegation has been made in the FIR that marriage of informant's sister was



solemnized with the petitioner seven years back. It has been alleged that about four years her sister lived with her husband happily but thereafter, demand of dowry was made in the form of cash and motorcycle and upon non-providing of the same torture was inflicted upon her. It is also alleged that on 18.05.2023 at about 9.30 A.M., the informant received information that the in-laws family have killed her sister by hanging her. Upon receiving such information, the informant reached there, he found that dead body of his sister was kept in the house and family members fled away.

4. Learned Counsel for the petitioner submits that petitioner is innocent and has committed no offence. He submits that in the FIR itself it has been indicated that for about four years the sister of the informant lived with the husband happily but thereafter demand of dowry was made. Counsel submits that such allegation is absolutely false. He submits that actual matrix is completely otherwise as even after completion of four years, the petitioner and his wife had no issue and then treatment has been started by the petitioners' side. The copy of the prescription of the treatment has been annexed as Annexure-2 series. Counsel submits that due to non-pregnancy, the wife of the petitioner became frustrated and her depression with time



has worsened which subsequently resulted in suicide. Counsel submits that petitioner himself intimated in this regard to the in-laws family and thereafter they reached and started threatening to lodge an FIR and only due to this reason, the entire family left the house. Counsel submits that petitioner is in custody since 27.05.2024 having no criminal antecedent. Counsel submits that on the previous occasion case diary was called for. Learned Counsel for the petitioner submits that from the post-mortem report of the deceased it transpires that there is no external injury on the body of the deceased. It means that no force has been committed against her.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that allegation of demand of dowry and due to non-fulfillment of the same her sister was murdered by hanging has been levelled against the petitioner and his family members.

6. Upon specific query that whether charge has been framed or not, Counsel for the petitioner submits that as per his knowledge charge has not been framed.

7. In the present facts and circumstances of this case and considering the fact that the petitioner is in custody since 27.05.2024 i.e. more than one year, let the petitioner, above



named, be released on bail **only after framing of charge, if not framed**, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) as mentioned in Section 2(1)(d) of the BNSS, 2023 to the satisfaction of Learned Judicial Magistrate-1st Class, Samastipur, in connection with Shahpur Patori P.S. Case No.338 of 2023, subject to the condition laid down U/s 480(3) of the BNSS, 2023.

**(Dr. Anshuman, J)**

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