

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87683 of 2024

Arising Out of PS. Case No.-237 Year-2024 Thana- ATHMALGOLA District- Patna

Bhushan Ray @ Bhishan Ray Son of Ram Nandan Ray Resident of Village -
Burara, Police Station - Athmalgola, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Kashyap, Advocate

For the Opposite Party/s : Mr. Surendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 08-01-2025 Heard the parties.

2. The petitioner is in custody in connection with Athmalgola P.S. Case No. 237 of 2024 for the offence punishable under sections 80(2), 238 and 3(5) of the Bharatiya Nyaya Sanhita lodged on 31.07.2024 by the informant, Naresh Rai.

3. As per the prosecution story, the informant alleged that the deceased was married to Gopal Kumar but was tortured for dowry and on the fateful day, came to know about her killing as also disappearance of the body. This led to the FIR

4. Learned counsel for the petitioner submits that he is cousin father-in-law, living separately and only upon information, went for the funeral which resulted into his implicated. At best, his case is of disappearance of body and not



of killing. He is in custody since 01.08.2024 having no criminal antecedent and both the husband, Gopal Kumar and father-in-law, Jogi Ray are in custody.

5. Learned APP opposes the prayer for bail submitting that after the killing, the lady was dumped in a sack, taken in the tractor which does not come in the category of funeral.

6. Having gone through the facts of the case as also the materials on record and submissions of the parties, it is unfortunate that after the death/alleged killing, the lady was not given even a decent funeral. However, in the present case, the petitioner is the cousin father-in-law, his role is that of taking part in the alleged funeral, is in custody since 01.08.2024 and both the husband and the father-in-law are in custody, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned S.D.J.M., Barh, Patna, in connection with Athmalgola P.S. Case No. 237 of 2024 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;



(ii) the petitioner 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 his bail bond by the Trial Court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

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

(Rajiv Roy, J)

Adnan/-

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