

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88064 of 2025

Arising Out of PS. Case No.-31 Year-2019 Thana- VIDYAPATINAGAR District- Samastipur

MITHLESH RAI @ MITHLESH RAY @ AMLESH KUMAR RAI Son of
Suresh Rai Resident of Village - Marwa Gopalpur, P.S.- Vidyapati Nagar,
District – Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Sinha
For the Opposite Party/s : Mr.Jharkhandi Upadhyay

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 09-01-2026 Heard learned counsel for the petitioner and learned

A.P.P. for the State.

2. The petitioner seeks bail in connection with Sessions Case No. 668/2025 arising out of Vidyapati Nagar P.S. Case No. 31/2019 registered for the offences punishable under Sections 304B, 201 and 34 of the Indian Penal Code.

3. As per prosecution case, petitioner and others are said to have tortured and killed the informant's daughter due to non-fulfillment of demand of dowry.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case due to enmity and ulterior motive. The petitioner is languishing in



custody since 29.08.2025 and bears no criminal antecedent. There is no specific allegation against the petitioner and the allegation are general and omnibus in nature. He further submits that petitioner is the brother-in-law of the deceased and he is living separately from his brother and his wife (deceased). He further submits that the petitioner has no say in family affairs of the deceased and her husband. He further submits that the husband of the deceased has already been acquitted by the concerned court vide judgment dated 15.12.2021, as is evident from Annexure-P/3 of this petition. He further submits that charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence. On similar and identical allegation co-accused Suresh Ray @ Suresh Rai has already been granted bail by the co-ordinate Bench of this Court vide Cr. Misc. No.58024/2024 and on the principle of parity the petitioner also deserves same treatment.

5. The learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner and submitted that participation in the alleged occurrence of the petitioner cannot be ruled out.

6. Considering the facts and circumstances of the case, period of custody, on similar and identical allegation co-



accused has already been granted bail, petitioner has no say in family affairs of the deceased her husband, charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence and keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned District and Additional Sessions Judge, 1st, Samastipur in Sessions Case No. 668/2025 arising out of Vidyapati Nagar P.S. Case No. 31/2019, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates till disposal of the case and absence for a single date without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

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



for cancellation of bail.

(Alok Kumar Pandey, J)

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