

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14686 of 2023

Arising Out of PS. Case No.-404 Year-2022 Thana- VAISHALI District- Vaishali

1. Motilal Rai, aged about 55 years, Son of Late Guru Dayal Ray R/v- Bariyarpur, P.S. and District- Vaishali
2. Anita Devi, aged about 50 years Wife of Motilal Rai R/v- Bariyarpur, P.S. and District- Vaishali
3. Raushan Kumar, aged about 20 years, Son of Motilal Rai R/v- Bariyarpur, P.S. and District- Vaishali
4. Puja Kumari @ Puja Kumar, aged about 19 years, D/o Motilal Rai R/v- Bariyarpur, P.S. and District- Vaishali

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Bela Singh, Advocate

For the Opposite Party/s : Ms. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 23-05-2023 Heard learned counsel for the petitioners and learned
APP for the State of Bihar.

The petitioners are apprehending their arrest in connection with Vaishali P.S. Case No. 404 of 2022 for the offence under Sections 498A, 304B, 201 and 34 of the Indian Penal Code (hereinafter referred as “IPC”).

The petitioners are father-in-law, mother-in-law, brother-in-law and sister-in-law of the deceased, respectively. As per the case of the informant, her daughter has been done to death at her matrimonial home. The FIR alleges that prior to her



death, she was being mistreated and tortured for having born two girl children.

It is submitted by the learned counsel for the petitioners that allegations do not disclose any ingredients of offence under Section 304B of the IPC. The petitioners, in the circumstances, who are family members, have been implicated on extraneous consideration. Even the allegation regarding death being unnatural is not corroborated by any material on record. The petitioners were living separately from husband of the victim, who would be primarily responsible for the safety and dignity of the victim, if at all. Petitioners No. 2 to 4 have no antecedent whereas petitioner No. 1 has earlier been implicated for an offence under Bihar Prohibition & Excise Act.

Learned APP for the State opposed the prayer for bail.

Considering the nature of allegations levelled in the FIR, clean antecedent of petitioner Nos. 2 to 4 and the fact that they claim to be living separately from the husband of the victim, this Court is inclined to allow petitioners' prayer for grant of anticipatory bail.

Petitioners' prayer for grant of anticipatory bail is allowed.

Accordingly, let the petitioners, above named, in the



event of his arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Vaishali, in connection with Vaishali P.S. Case No. 404 of 2022 subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also subject to the following conditions:

- (i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the court if there is any change in the address of the petitioners.
- (ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

Shashank/
gaurav.s-

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