

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28698 of 2022

Arising Out of PS. Case No.-60 Year-2016 Thana- GAIGHAT District- Muzaffarpur

1. Shambhu Rai, Son Of Ram Vilash Rai Resident Of Village - Godanpatti, P.S. Gaighat, District - Muzaffarpur.
2. Ram Baboo Rai, Son Of Ram Vilash Rai Resident Of Village - Godanpatti, P.S. Gaighat, District - Muzaffarpur.
3. Manoj Rai, Son Of Ram Vilash Rai Resident Of Village - Godanpatti, P.S. Gaighat, District - Muzaffarpur.
4. Shyam Rai, Son Of Ram Vilash Rai Resident Of Village - Godanpatti, P.S. Gaighat, District - Muzaffarpur.
5. Rangila Devi, Wife Of Ram Baboo Rai Resident Of Village - Godanpatti, P.S. Gaighat, District - Muzaffarpur.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar- Advocate
For the Opposite Party/s : Mr.Chandra Bhushan Prasad- A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 24-08-2023 1. Heard learned counsel for the petitioners and learned APP for the State.
2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 302/ 201 of the Indian Penal Code.
3. The learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and the informant alleges that his sister got married with Vinod Rai. It is next alleged that after marriage, the accused persons including



the petitioners were demanding dowry and subjected his sister harassment and torture for non-payment of the same and ultimately, she was killed and her dead body was cremated. It is further alleged that when one of the informant's relative reached the place of occurrence, the accused persons fled away.

4. The learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case. It is next submitted that it is not a case under Section 304(B) of the I.P.C. rather it is a case under Section 302 of the I.P.C., which amply demonstrates that the marriage was old and out of the wedlock, three children were also born. It is next submitted that husband was arrested and after a full-fledged trial, he was acquitted. The learned counsel thus submits that when husband of the deceased stands acquitted whether any justifiable purpose would be served by sending the petitioner to jail.

5. Learned A.P.P. opposes the anticipatory bail application of the petitioners.

6. Considering the submissions made by the learned counsel for the petitioners and the fact that husband already stands acquitted, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on bail on their



furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-XXV, Muzaffarpur in connection with Gaighat P. S. Case No.60 of 2016, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

8. However, it is made clear that in the event, if the learned trial Court comes to a conclusion that the petitioners after obtaining anticipatory bail are not cooperating in the trial, the learned trial Court shall be at liberty to forthwith cancel their bail bonds after recording reasons.

(Satyavrat Verma, J)

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