

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47498 of 2023

Arising Out of PS. Case No.-27 Year-2023 Thana- RANIYATALAB District- Patna

1. NISHANT RAJ S/o Arun Kumar Resident of Village-Kharagpura, P.S.-Rani Talab, District-Patna
2. KAJAL KUMARI W/o Nishant Raj Resident of Village-Kharagpura, P.S.-Rani Talab, District-Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rahul Kumar Singh, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 11-08-2023 Heard learned counsel for the petitioners as also the State and the informant.

The petitioners are apprehending their arrest in connection with Rani Talab P.S. Case No. 27 of 2023 for the offence under section 304(B)/34 of the I.P.C. lodged on 28.01.2023 by the informant, Chandan Kumar.

As per the prosecution story, the informant submitted a written report that his sister was married to Nitesh Raj in 2020 but was tortured for dowry and in January 2023, information came about her death. The informant has full suspicion that she has been killed.

The case of the petitioners is/are that they are brother-



in-law (bhaisur) and sister-in-law (gotni), living separately and only to implicate entire family members, allegations have been against them too.

The last submission is that the husband, Nitesh Raj is in judicial custody (as stated in paragraph 15 of the petition).

Learned counsel for the informant submits that from the F.I.R., it reflects that the entire family members were torturing the lady which ultimately resulted into her death within three years of her marriage.

Considering the fact that the husband is in judicial custody, these two petitioners are brother-in-law and sister-in-law, they do not have criminal antecedent and ultimately, will have to face the trial, this Court is inclined to extend them the privilege of anticipatory bail with conditions.

Let the petitioners be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate V, Danapur, Patna, in connection with Rani Talab P.S. Case No. 27 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.



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

(ii) the petitioners 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 their bail bond by the Trial Court itself;

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

With the aforesaid observations, the anticipatory bail application is allowed.

(Rajiv Roy, J)

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