

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62739 of 2022

Arising Out of PS. Case No.-355 Year-2022 Thana- PHULWARISHARIF District- Patna

1. SANJAY RAI SON OF LATE KRIT RAI
2. LALTI DEVI WIFE OF SANJAY RAI, BOTH R/O VILLAGE-AALAMPUR, P.S.- PHULWARISHARIF, DISTT.- PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surendra Kishore Thakur, Advocate
For the Opposite Party/s : Mr. Madhura Nand Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

5 22-05-2023 Heard Mr. Surendra Kishore Thakur duly assisted by Mrs. Y. Madhuvi, learned counsel for the petitioners and Mr. Vinay Kumar Singh learned counsel for the informant as also learned counsel for the State.

The petitioners apprehends their arrest in connection with Phulwari Sharif P.S. Case No. 355 of 2022 instituted under Sections 304(B)/34 of the Indian Penal Code read with Section 3/4 of the Dowry Prohibition Act lodged on 08.04.2022 by the informant Ram Naresh Rai.

As per the FIR, on 05.05.2017, the daughter of the informant, namely, Priyanka Kumari got married with co-accused, Niranjana Kumar as per Hindu Rites and Customs. The accused-petitioners are father and mother of co-accused, Niranjana Kumar and the allegations levelled against them is of



demanding Rs. 5 lacs and 1 kathha land as dowry and on non-fulfillment, deceased Priyanka Kumari was subjected abuse, assault, torture and harassment resulting to dowry death. Accordingly, the FIR.

Learned counsel for the petitioners submit that both the petitioners are parents and having no role to play in the matter and the husband of the deceased is already been in custody (as stated in para-10 of the petition).

Per contra, learned counsel for the informant submits that the process under Section 83 of the Cr.PC has already been exhausted and as such he has opposed the prayer for anticipatory bail.

Although the petitioners are parents, old age and as per para-10 the husband is in custody, in view of the averment put forward by the learned counsel for the informant regarding process of Section 83 of the Cr.P.C. having been completed, this Court is not inclined to extend them the privilege of anticipatory bail, which is accordingly rejected.

Having said so, considering the aforesaid fact that they are parents and the husband is in custody, if the petitioners chose to surrender within four weeks from today, the learned court shall take into account all the observation incorporated



above as also the fact that the petitioner no.2 is a lady and shall
dispose of the their petitions on the day, they surrender.

(Rajiv Roy, J)

Prakash Narayan
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