

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.259 of 2023

Arising Out of PS. Case No.-400 Year-2022 Thana- BARHARA District- Bhojpur

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AJAY KUMAR @ AJAY RAI S/O MAHESH RAI Resident of village- Gundi
Jai lal ke Dera, P.S.- Krishnagarh, O.P., District- Bhojpur (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar
2. DHANWATI KUMARI @ CHANDNI KUMARI W/O AKSHAY RAI @
AKHCHAY RAI @ SUGGA RAI, D/O LAKSHMAN RAI Resident of
village- Gundi Jai Lal ke Dera, P.S- Krishnagarh O.P.- District- Bhojpur at
present R/O Village- Mahkampur Bara, P.S.- Ara Muffasil, District- Bhojpur
(Bihar).

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Singh
For the Opposite Party/s : Mr. Kumar Ranjit Ranjan

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 15-05-2023 Heard Mr. Pankaj Kumar Singh, learned counsel for

the petitioner and Mr. Kumar Ranjit Ranjan, learned Additional

Public Prosecutor for the State.

2. Petitioner apprehends his arrest in connection with

Barhara (Krishnagarh) PS Case No. 400/2022 dated 05.06.2022

registered for the offence punishable under Sections 341, 342,

323, 307, 379, 498A, 504/34 of the IPC and $\frac{3}{4}$ of the Dowry

Prohibition Act.

3. As per First Information Report, marriage of the

informant was solemnized with co-accused, Akshay Rai @

Sugga Rai on 19.06.2019. After some time, husband of the



informant and her in-laws demanded Rs. 1 Lac, one buffalo, a mobile phone and a golden locket as dowry and due to non fulfillment of the demand, altogether 13 accused persons physically tortured and assaulted the informant and there is allegation against the petitioner, that he assaulted the brother of the informant namely, Yadunath Rai by means of Lathi.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case only because he happens to be cousin brother of the husband of the informant. Learned counsel next submits that the entire family members have been made accused in the present FIR and the injury caused to the brother of the informant is not serious in nature. He also submits that the husband of the informant has approached this Court in Cr. Misc. No. 1411/2023 in which this Court has issued notice to the informant and has passed interim order of no coercive action *vide* order dated 08.05.2023.

5. Regards being had to the submissions made by the parties and taking into consideration the material on record and the fact that petitioner is the cousin brother of the husband of the informant and the husband of the informant has already filed a petition for anticipatory bail before this Court, I am inclined to grant anticipatory bail to the petitioner.



6. Accordingly, let the petitioner, named above, in the event of arrest or surrender within four weeks from today, be released on anticipatory bail, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate-Bhojpur at Ara in connection with Barhara (Krishnagarh) PS Case No. 400/2022, subject to the condition as laid down under Section 438(2) CrPC.

(Anil Kumar Sinha, J)

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