

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.255 of 2023

Arising Out of PS. Case No.-748 Year-2022 Thana- PHULWARISHARIF District- Patna

1. YUGAL RAY S/O LATE JANAK RAY R/V- PHULIA TOLA, P.S.- PHULWARI SHARIF, DISTRICT- PATNA AT PRESENT R/V- HULASI TOLA, P.S.- MANER, DISTRICT- PATNA
2. SUDHA DEVI W/O YUGAL RAY R/V- PHULIA TOLA, P.S.- PHULWARI SHARIF, DISTRICT- PATNA AT PRESENT R/V- HULASI TOLA, P.S.- MANER, DISTRICT- PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rabi Bhushan Prasad No. 1
For the Opposite Party/s : Mr. Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 15-05-2023 Heard Mr. Rabi Bhushan Prasad No.1, learned
counsel for the petitioner and Mr. Jagdhar Prasad, Additional
Public Prosecutor for the State.

2. Petitioners apprehend their arrest in connection
with Phulwari Sharif PS Case No. 748/2022 dated 29.06.2022
registered for the offence punishable under Sections 304(B)/34
of the IPC.

3. As per First Information Report, about nine years
ago, marriage of daughter of the informant was solemnized with
co-accused, Suchit Kumar and due non fulfillment of demand of
dowry, the accused persons including the petitioners tortured
and killed the daughter of the informant.



4. Learned counsel for the petitioners submits that the petitioners have falsely been implicated in this case along with other family members. The allegation against the petitioners is general and omnibus in nature. In the FIR, the informant has alleged that marriage was solemnized nine years ago, as such, Section 304(B) IPC is not made out against the petitioners. Learned counsel next submits that mother-in-law of the deceased has been allowed anticipatory bail by a Co-ordinate Bench of this Court in Cr. Misc. No. 966/2023 *vide* order dated 21.03.2023 whereas the petitioner no.2 is the married sister-in-law (*Nanad*) and petitioner no.1 being husband of petitioner no.2 is *Nandoi* of the deceased.

5. On the other hand, learned counsel for the State submits that after investigation the police has submitted charge-sheet against the petitioners under Section 498A/302/34 IPC and charge-sheet has not been submitted under Section 304(B) IPC

6. Regards being had to the submissions made by the parties and taking into consideration that the petitioners being *Nanad* and *Nandoi* reside separately in their own home at Maner and mother-in-law has been granted anticipatory bail by a Bench of this Court, I am inclined to grant anticipatory bail to the petitioners.



7. Accordingly, let the petitioners, 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) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-XIV, Civil Court, Patna in connection with Phulwari Sharif PS Case No. 748/2022 , subject to the condition as laid down under Section 438(2) CrPC.

(Anil Kumar Sinha, J)

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