

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6231 of 2024

Arising Out of PS. Case No.-238 Year-2023 Thana- MOHIUDDIN NAGAR District-
Samastipur

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Vishal Kumar Son of Late Ashok Roy R/o vill - Tara, ward no. 2, P.S. -
Mohiuddin Nagar, Distt. - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajesh Ranjan, Advocate

For the Opposite Party/s : Mrs.Veena Kumari Jaiswal, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 20-02-2024 Heard the parties.

2. The petitioner is apprehending arrest in connection with Mohiuddin Nagar P.S. Case No. 238 of 2023 instituted under under Sections 304(B), 34 of the Indian Penal Code and section 3, 4 of the Dowry Prohibition Act lodged on 21.8.2023 by the informant, Ramvriksh Ray.

3. As per the prosecution story, the informant alleged that his only daughter was married to Rahul Ray in the year 2021 but was always tortured for dowry. She was also blessed with a girl child subsequently but ultimately she died in August, 2023 as her neck was pressed. Accordingly, the FIR.

4. Learned counsel for the petitioner submits he is brother-in-law, living separately having nothing to do with the



couple and only because he is brother, he has been dragged in the case. Further submission is that the husband is in custody.

5. Learned APP opposes the prayer for anticipatory bail.

6. Taking into account the submissions put forward by the parties as also that he is the brother of the husband of the deceased, he do not have criminal antecedent, the husband is in custody, this Court is inclined to extend him the privilege of anticipatory bail.

7. Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each in connection with Mohiuddin Nagar P.S. Case No. 238 of 2023 to the satisfaction of learned Judicial Magistrate 1st cum Additional Munsif, Samastipur subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(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 petitioner 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 his bail bond by the Trial Court itself;

(iii) the petitioner shall co-operate in the investigation and make himself available to the police as and when required;

(iv) the petitioner 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;

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

(Rajiv Roy, J)

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