

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27263 of 2024

Arising Out of PS. Case No.-193 Year-2021 Thana- MADHUBAN District- East Champaran

1. Kumari Devi Wife of Shivam Rai @ Shivan Kumar Resident of Village - Ghosaut, P.S. - Minapur, District - Muazffarpur
2. Shivan Rai @ Shivam Rai Son of Hari Nandan Rai Resident of Village - Ghosaut, P.S. - Minapur, District - Muazffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Adv.

Mr. Hemand Ray, Adv.

For the Opposite Party/s : Mr.Navin Kumar Pandey, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 19-04-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 302, 34 of the Indian Penal Code.

3. All the F.I.R. named accused persons including these petitioners, on non-fulfillment of demand of dowry, in furtherance of the common intention are said to have committed murder of the daughter of the informant after assaulting. Co-accused Ramji Rai has solemnized his second marriage with one Sarita Devi.

4. It is submitted by learned counsel for the petitioners



that petitioners are quite innocent and they have committed no offence. No such occurrence as alleged ever took place. Petitioners are the parents of the second wife of co-accused Ramji Rai. They have been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. It is further submitted that the husband of the deceased and other co-accused persons namely, Panna Devi and Bhagwan Yadav have been acquitted from the charges, vide judgment dated 17.05.2022 passed in Sessions Trial No. 151 of 2022. Similarly situated co-accused, namely, Sweta Kumari (Gotni) has been granted anticipatory bail by this Bench vide order dated 23.08.2022 in Cr. Misc. No. 19865 of 2022. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case, as the husband of the deceased has been acquitted by the learned Court below as well as similarly situated co-accused, namely, Sweta Kumari has been granted anticipatory bail by this Bench, let the above named petitioners, be released on bail, in



the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Madhuban P.S. Case No. 193 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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