

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34795 of 2024

Arising Out of PS. Case No.-756 Year-2023 Thana- SHAHPUR PATORI District- Samastipur

1. Usha Devi W/o Dilip Chatiya R/o vill - Utari Dhamaun (Chatiya Patti), P.S. - Patori, Distt. - samastipur
2. Dilip Chatiya S/o Raghunath Chatiya R/o vill - Utari Dhamaun (Chatiya Patti), P.S. - Patori, Distt. - samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Advocate

For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 31-07-2024 Heard Mr. Shashank Shekher, learned counsel for
the petitioners and the State.

2. The petitioners are apprehending their arrest in connection with Shahpur Patori P.S. Case No. 756 of 2023 for the offence punishable under sections 302, 201 and 34 of the I.P.C. lodged on 15.12.2023 by the informant, Bishundev Ray.

3. As per the prosecution story, the informant alleged that his daughter namely Dipa Kumari, was married to Ravikant Chatiya, in the year 2015, wherein several articles were gifted. The couple was blessed with three children. Further, allegation is that post-marriage, his daughter was leading a happy conjugal life, however, after some time her in-laws started demanding a



motorcycle as further dowry and she was subjected to torture on a regular basis. It is further alleged that on 11.12.2023, his daughter informed him that she is being tortured, and on 12.12.2023, he was informed that his daughter has been killed by all accused persons and her body has been disposed. Lastly, the informant states that he strongly believes foul play. Accordingly, the FIR.

4. Learned counsel for the petitioners submit that the marriage took place in the year 2015 and with the passage of time, the couple was blessed with three children and everything was going good. However, in every family, some minor dispute takes place, according to his information, the lady committed suicide. However, the fault lies upon the accused persons inasmuch as they chose not to inform the police and/or the family members of the deceased for which they will have to suffer and face the trial, they used to live separately from the couple.

5. The last submission is that the husband of the deceased (Ravikant Chatiya) has been arrested on 21.04.2024, as per his information.

6. Learned APP opposes the prayer submitting that the cause of death cannot be ascertained in view of the fact that the



accused persons chose to consigned the mortal remains to flames without any information to the police or family members of the deceased.

7. Though the aforesaid submissions is true but the fact remains that they are parents, father-in-law and mother-in-law, aged person and as per the information provided, the husband is in jail, this Court is inclined to extend them the privilege of anticipatory bail with conditions.

8. However, if it is found that the statement regarding husband is incorrect, the order shall become infructuous.

9. Let the petitioners be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Samastipur, in connection with Shahpur Patori P.S. Case No. 756 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member/relative of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners 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 their bail bond by the Trial Court itself;

(iii) the petitioners 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;

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

(Rajiv Roy, J)

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