

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42863 of 2024

Arising Out of PS. Case No.-227 Year-2023 Thana- JEHANABAD COMPLAINT CASE
District- Jehanabad

-
1. Ajay Rai @ Ajay Ray @ Ajay Kumar Son of Byas Ray, Resident of Village- Samharia, P.S.- Kaler, Distt.- Arwal.
 2. Baby Devi W/o- Ajay Rai @ Ajay Ray, Resident of Village- Samharia, P.S.- Kaler, Distt.- Arwal.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Reshu Kumar W/o- Dhananjay Kumar, Resident of Village- Samharia, P.S.- Kaler, Distt.- Arwal, at Present Village- Karwasin, P.S.- Sarah, Distt.- Bhojpur (Ara).

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar Sharma, Advocate.
For the State	:	Mr. Chandra Bhushan Prasad, APP.
For the O.P. No.2	:	Mr. Kaushal Kumar Jha, Sr. Advocate.
	:	Mr. Baidyanath Thakur, Advocate.
	:	Mr. Siddharth Aditya, Advocate.

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 10-07-2024 Heard learned counsel for the petitioners, learned Additional Public Prosecutor for the State and learned counsel for the opposite party no.2.

2. The petitioners apprehend their arrest in connection with Complaint Case No.227 of 2023 instituted under Sections 313 & 120(B) of the Indian Penal Code.

3. As per the prosecution case, the complainant was married with Dhananjay Kumar in the year 2016 as per Hindu rites and rituals but after marriage her in-laws started torturing



her for dowry, for which Arwal Mahila P.S. Case No.11 of 2021 was filed. It is further alleged that husband of complainant has illicit relation with petitioner no.2 who alongwith other co-accused persons tormented the complainant and assaulted her mercilessly when she was pregnant, due to which her pregnancy was terminated.

4. Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case due to the matrimonial dispute between the complainant and her husband. He further submits that petitioner no.1 is brother-in-law (*Bhaisur*) and petitioner no.2 is sister-in-law (*Gotani*) of the complainant who have no concern with the affairs of complainant or her husband. Learned counsel submits that as per the allegation, the occurrence took place on 27.10.2022, however, the complaint has been filed on 06.07.2023 without any plausible explanation. He further submits that the allegations are made only with ulterior motive and the informant has filed one dowry torture case against the accused persons including the petitioners. Petitioners undertakes to cooperate in the investigation.

5. Learned counsel for the opposite party no.2 and learned Additional Public Prosecutor for the State have opposes



the prayer for anticipatory bail.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount to each to the satisfaction of the learned Judicial Magistrate-I Class, Arwal (Jehanabad) in connection with Complaint Case No.227 of 2023, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

(Sunil Dutta Mishra, J)

Ritik/-

U		T	
---	--	---	--

