

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54392 of 2024

Arising Out of PS. Case No.-737 Year-2023 Thana- SAHPUR District- Patna

-
1. Bhirgu Ray @ Bhigu Ray Son of Lalan Ray R/O Village - Kali Ashthan Mathiyapur, Akaluchak, P.S.- Shahpur, District - Patna
 2. Soni Devi @ Sona Devi Wife of Bhirgu Ray @ Bhigu Ray R/O Village - Kali Ashthan Mathiyapur, Akaluchak, P.S.- Shahpur, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ghanshyam Tiwary, Advocate

For the Opposite Party/s : Ms. Shaheen Begum, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

- 2 23-09-2024 1. Heard learned counsel for the petitioners, learned A.P.P. for the State and learned counsel appearing on behalf of the informant.
2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 365, 498(A)/34, 302, 201 and 120(B) of the Indian Penal Code as well as Sections 3 and 4 of the Dowry Prohibition Act.
3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent.
4. The informant alleges that her daughter about ten years back was married to Munna Rai and after marriage the accused persons including the petitioners started demanding Rs.2 lakhs by way of additional dowry and on account of non-



fulfillment of the demand, the victim was tortured and assaulted, hence, her daughter called and requested her to take her back to her parental home, as such, the victim was brought back to her parental home and she gave birth to a child. It is further alleged that on 23.11.2023, Munna came and requested the victim to accompany him for shopping with a condition that he will drop her back to her parental home, but when victim did not return, the informant called Munna who said that they will come within an hour after buying clothes but the victim did not return till 10:00 p.m. and even the mobile of Munna was switched off, accordingly, the next day informant went to the house of Munna and found that the house was locked and no one was present in the house.

5. Learned counsel for the petitioners submits that from perusal of the allegation as alleged in the FIR, it would manifest that the thrust of the allegation is against Munna. It is further submitted that it was Munna who took the victim along with him from her parental home on pretext of shopping and thereafter she did not return. It is next submitted that it is not the case of the prosecution that petitioners were also present along with Munna when he had come to pick her up for the purposes of shopping. Learned counsel also submits that the dead body of



the deceased till date has not been recovered but then Munna has been arrested and he in his confessional statement has stated that he had pushed the victim in the Gangas near Pipa Pool. It is further submitted that petitioners being brother-in-law and sister-in-law (Gotani) of the deceased came to be implicated in order to coerce Munna into submission.

6. Learned A.P.P. for the State and learned counsel appearing on behalf of the informant opposed the prayer for anticipatory bail of the petitioners but then is not in a position to rebut the submissions of the learned counsel appearing on behalf of the petitioners that the victim lastly had accompanied Munna and no one was with Munna when he had come to pick her up on pretext of shopping. It is further submitted that if privilege of anticipatory bail is granted to the petitioners, the petitioners may abscond on which learned counsel appearing on behalf of the petitioners submits that petitioners will not abscond rather will cooperate in the investigation to prove their innocence.

7. Considering the submissions made by the learned counsel for the petitioners, let the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on



anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Shahpur P.S. Case No. 737 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. However, it is made clear that if the investigating officer of the case files an application bringing to the notice of the learned court below that petitioners despite giving assurance to this Court are not cooperating in the investigation, the learned court below shall be at liberty to cancel the bail bonds of the petitioner.

(Satyavrat Verma, J)

Kundan/-

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

