

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78502 of 2023

Arising Out of PS. Case No.-173 Year-2022 Thana- VIDYAPATINAGAR District-
Samastipur

-
1. RADHE RAI @ RADHE RAY son of Late Shivjee Rai Village- Lagma Ps- Vidiyapati Ghataho OP Dist- Samastipur
 2. Samay Devi @ Shabnam Kumari @ Sabhaya Kumari son of Radhe Rai @ Radhe Ray Village- Lagma Ps- Vidiyapati Ghataho OP Dist- Samastipur
 3. Sima Devi @ Sabhaya Kumari @ Shabnam Kumari son of Radhe Rai @ Radhe Ray Village- Lagma Ps- Vidiyapati Ghataho OP Dist- Samastipur
 4. Sony Devi @ Shannu Devi wife of Radhe Rai @ Radhe Ray Village- Lagma Ps- Vidiyapati Ghataho OP Dist- Samastipur
 5. Vipin Rai @ Vipin Ray @ Bipin Kumar son of Yogi Ray Village- Chamtha Ps- Bachhwara Dist- Begusarai
 6. Lalu Rai @ Lalu Ray son of Late Bhuneshwar Ray @ Radhe Ray Village- Lagma Ps- Vidiyapati Ghataho OP Dist- Samastipur
 7. Vikash Rai @ Vikash Kumar Rai @ Vikash Ray son of LaluRay Village- Dhamaun Ps- Shapur Patory Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pramod Kumar Singh
For the Opposite Party/s	:	Mr. Shyam Bihari Singh
	:	Mr. Rajeev Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

- | | | |
|---|------------|--|
| 2 | 10-01-2024 | 1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State. |
| | | 2. This application, for grant of anticipatory bail, arises out of Vidyapatinagar Police Station Case No. 173 of 2022, |



disclosing offences under Sections 363, 364, 366, 34 of the Indian Penal Code.

3. As per the complaint-cum-First Information Report, the marriage of daughter of the complainant, namely Daulat Kumari, with accused Sachin Rai was solemnized as per hindu rites. It has further been stated that daughter of the informant went to her matrimonial home and the husband and his relatives started demanding a sum of Rs. 5 lacs and bullet motorcycle as dowry. The daughter of the informant expressed her inability to meet the demand, then all the accused persons subjected her to mental and physical torture and subsequently, made the daughter of the informant robeless. It has further been alleged that either his daughter has been kidnapped or killed by the accused persons.
4. Learned counsel for the petitioners submits that the complaint filed by the informant was referred under Section 156(3) of the Code of Criminal Procedure for institution of F.I.R. and accordingly, the present F.I.R. bearing Vidyapatnagar P.S. Case No. 173 of 2022 was registered under Section 363, 364, 366 and 34 of the I.P.C. Learned counsel further submits that on the basis of



the statement made in the complaint at best an offence under Section 498(A) and 3 and 4 of the Dowry Prohibition Act are made out. Learned counsel next submits that the fact of the matter is that at the time of marriage, the son of the petitioner No. 1 i.e., co-accused Sachin Rai and the daughter of the complainant/informant were minor but informant and his family members kidnapped the son of the petitioner No. 1 and solemnized the marriage of his daughter Daulat Kumari with him. During the course of investigation, the Special Juvenile Police Unit sent a letter to both the parties for counselling, thereafter, the petitioners appeared before the Special Juvenile Police Unit with Daulat Kumari i.e. daughter of the informant and Sachin Kumar, the son of the petitioner No. 1 from where the brother of the girl Daulat Kumari took her along with him. This fact was informed by the Special Juvenile Police Unit to the District Magistrate, Samastipur, S.P., Samastipur and Assistant Director, District Child Protection Committee, Samastipur. During the course of investigation, the victim Daulat Kumari has appeared before the learned Jurisdictional Magistrate, Dalsinghsarai, and where her



statement under Section 164 Cr.P.C. was recorded in which she has only stated that the relative of her husband i.e., petitioners and others, have demanded dowry. The petitioner No. 1 is father-in-law of the girl, petitioner Nos. 2 and 3 are sister-in-law (*nanad*), petitioner No. 4 is mother-in-law and petitioner Nos. 5 and 7 are brother-in-law (*nandosi*) and petitioner No. 6 is father of the brother-in-law (*nandoi*).

5. On the other hand, learned counsel for the complainant/informant vehemently opposes the prayer for anticipatory bail and submits that the victim girl was recovered from the house of family members of petitioner No. 1 by the police and accordingly, her statement under Section 164 Cr.P.C. has been recorded.
6. Having regard to the submissions made on behalf of the parties and taking into consideration the nature of allegation made in the complaint-cum-FIR and the statement of the victim girl recorded under Section 164 Cr.P.C., I am inclined to grant the petitioner privilege of anticipatory bail.
7. This application is, accordingly, allowed.
8. Let the petitioner, Radhe Rai @ Radhe Ray, Samay Devi



@ Shabnam Kumari @ Sabhaya Kumari, Sima Devi @ Sabhaya Kumari @ Shabnam Kumari, Sony Devi @ Shannu Devi, Vipin Rai @ Vipin Ray @ Bipin Kumar, Lalu Rai @ Lalu Ray @ Lalu Rai, Vikash Rai @ Vikash Kumar Rai @ Vikash Ray , in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate 2nd Class, Dalsingsarai, District-Samastipur, in connection with Vidyapatnagar Police Station Case No. 173 of 2022, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

HarshPandey/-

U			
---	--	--	--

