

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12182 of 2025

Arising Out of PS. Case No.-237 Year-2024 Thana- ATHMALGOLA District- Patna

1. Nitish Ray S/O Jogi Ray R/O Vill.- Burara, P.S.- Athmalgola, Dist.- Patna.
2. Vimal Devi W/O Jogi Ray R/O Vill.- Burara, P.S.- Athmalgola, Dist.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar Kashyap, Adv
For the Informant	:	Mr. Rajesh Ranjan, Adv
For the Opposite Party/s	:	Mr. Awadhesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

5 25-07-2025 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in a case registered for the offence punishable u/s 80(2), 238 and 3(5) of the B.N.S.

3. As per the prosecution case, the petitioners and the co-accused persons are alleged to have tortured the informant's daughter mentally and physically due to non-fulfillment of demand of motorcycle as dowry. It is also alleged that on 31.07.2024, the informant came to know that all the named accused persons including the petitioners have killed his daughter and also disappeared the dead body.

4. Learned counsel for the petitioners has submitted



that the petitioners no. 1 is the brother-in-law (devar) while the petitioner no. 2 is the mother-in-law of the deceased. It is further submitted that there is no specific allegation against the petitioners and even if the confessional statement of the husband of the deceased is taken into account, he has not stated a single word against the petitioner no. 2 (mother-in-law), however, he does not deny the fact that he has taken the name of his brother to be amongst the persons who were involved in the killing of his wife. It is lastly submitted that the petitioners have clean antecedent.

5. Learned counsel for the informant as well as the learned A.P.P. for the State has vehemently opposed the prayer of anticipatory bail of the petitioners and has stated that the petitioners being the immediate family members of the husband of the deceased should not be released on bail as there is an allegation that the entire family members of the husband of the deceased had participated in the killing of Sonam Kumari. Learned counsel for the informant also points out that even in the confessional statement of Gopal Kumar (husband of the deceased) he has taken the name of the petitioner no. 1 (Nitish Ray) to be an accomplice in the said incident.

6. Having gone through the facts of the case and also



taking into account the materials available on record as well as the submissions of the parties, this court finds that there is no allegation with respect to the petitioner no. 2, namely, Vimal Devi, the prayer of anticipatory bail of the Petitioner No. 2 is hereby allowed.

7. Let the above named petitioner no. 2, in the event of her arrest/surrender within a period of four weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 10,000/- (Rupees Ten thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Patna, in connection with Athmalgola P.S. Case No. 237 of 2024, subject to the conditions as laid down under Section 482(2) of the Bharitya Nagrik Suraksha Sanhita (B.N.S.S.), with further condition/s:-

(i) One of the bailors will be a close relative of the petitioner no. 2.

(ii) The petitioner no. 2 will remain present on each and every date fixed by the Court below, if so required by the learned Trial Court.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner no. 2 will be liable to be canceled by the Court concerned.

(iv) The learned Court below shall verify the criminal antecedent of the petitioner no. 2 and in case at any stage it is found that the petitioner no. 2 has concealed her criminal antecedents, the court below shall take step for cancellation of bail



bonds of the petitioner no. 2. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of the same or in the name of verification.

7. However taking into account the direct allegation against the petitioner no. 1, this Court is not inclined to grant anticipatory bail to the petitioner no. 1, namely, Nitish Ray. The prayer of anticipatory bail of the Petitioner No. 1 is hereby rejected.

8. Accordingly, the application stands disposed of.

(Sourendra Pandey, J)

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