

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20307 of 2025

Arising Out of PS. Case No.-1345 Year-2015 Thana- VAISALI COMPLAINT CASE
District- Vaishali

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Rajiv Kumar Son of Ram Dayal Rai village- Naya tola pakri, Ps- Bidupur,
Dist- Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar
2. Indu Devi Wife of Kishundeo Singh village- Rahimpur, Ps- Bidupur, Dist-
Vaishali

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar Mishra

For the Opposite Party/s : Mr.Ram Anurag Singh

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 17-09-2025 Heard learned counsel for the parties.

2. Petitioner apprehends arrest in Complaint case no.
1345 of 2015, disclosing offences punishable under Section
304B, 201/34 of the Indian Penal Code.

3. As per the prosecution case, complainant's daughter
Nitu Kumari was married with petitioner in the year 2009. After
some time, the petitioners along with other accused persons
started demanding dowry in the form of motorcycle, colour T.V.
etc. and when the deceased protested, she was subjected to
torture and cruelty by the petitioner and other family members
due to non-fulfilment of the demand for dowry. It is alleged that
complainant's/ informant's daughter and her son were murdered



and dead bodies were concealed.

4. Learned Counsel for the petitioner submits that on the basis of similar allegation, Bidupur PS Case No. 53 of 2011 was lodged regarding murder of the informant's daughter and his maternal grandson by the petitioner and others. After lapse of more than three years of lodging of that case, Bidupur Police, Vaishali (Bihar), came to know about the suicide of a lady namely Nitu Kumari, w/o Rajeev Kumar (petitioner herein) at Delhi. Parents of the deceased was informed telephonically by the Delhi Police but they refused to take her body and did not go to Delhi. One child aged about 04 years namely Ayush Kumar was also recovered by the Delhi Police. Learned counsel further submits that another F.I.R. bearing Bidupur PS Case No. 70 of 2011 lodged by the side of the petitioner against the family members of the deceased, alleging that deceased was forcefully taken by them in a deceitful manner and they are not disclosing whereabouts of the deceased. Learned counsel further submits that after receipt of the information by the Delhi Police on 29.05.2014, Bidupur Police in case no. 53 of 2011 submitted final form exonerating the petitioner and others on 31.08.2014, which was accepted by learned Magistrate on 21.04.2015. However, protest petition was filed on 24.03.2011, which has



been converted into complaint case no. 1345 of 2015 and the learned Magistrate has taken cognizance against the petitioner and others on 10.08.2022 under Sections 304B, 201/34 of the Indian Penal Code. In the F.I.R. lodged by the side of the petitioner bearing Bidupur PS Case No. 70 of 2011, Police submitted charge-sheet on 30.06.2021 under Sections 366, 366A, 302/34 of the Indian Penal Code against accused Manjay Rai. Co-accused, with similar allegation, has already been allowed pre-arrest bail by a co-ordinate bench of this Court vide order passed in Cr.Mis.No. 3266/2025.

5. On the other hand, learned counsel for the State opposed the prayer for anticipatory bail and submits that the learned Magistrate has arrived at a conclusion that there is a prima facie case against the petitioner and has taken cognizance under Section 304B, 201/34 of the Indian Penal Code, as such the petitioner does not deserve privilege of anticipatory bail.

6. Perused the materials on record. It appears that F.I.R. bearing Bidupur PS Case No. 53 of 2011 was lodged by the informant alleging the dowry death of her daughter. After about three and half years of the lodging of the F.I.R., the deceased i.e. daughter of opposite party no. 2 was found hanging in a flat at Delhi and her son was also recovered by the



Police, who had found that she had committed suicide whereas in the F.I.R. lodged against the petitioner and his family members, the allegation was that she was killed in 2011 for demand of dowry by the petitioner and others, which creates contradiction.

7. Considering the facts of the case, prayer for bail of the petitioner is allowed. In the event of arrest/surrender within eight weeks from today, let this petitioner, mentioned above, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate 1st class, Vaishali at Hajipur in Complaint Case No. 1345 of 2015, subject to the conditions laid down under section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

(Prabhat Kumar Singh, J)

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