

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39905 of 2025

Arising Out of PS. Case No.-160 Year-2025 Thana- MOTIHARI MUFASIL District- East
Champaran

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1. Vikash Kumar S/O Ramashish Rai R/O Vill-Bairiya Gumasta Tola, P.S-Muffasil, Dist-East Champaran
 2. Menika Kumari D/O Ramashish Rai R/O Vill-Bairiya Gumasta Tola, P.S-Muffasil, Dist-East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binay Kumar, Advocate

For the Opposite Party/s : Mr. Nand Kishore Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 03-09-2025 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners are apprehending their arrest in connection with Muffasil P.S. Case No. 160 of 2025 registered for the offences punishable under Sections 80, 238 and 3(5) of the B.N.S.

3. As per prosecution case, petitioners and others are said to have committed the murder of informant's daughter for non fulfillment of demand of dowry and they have disappeared the said dead body.

4. Learned counsel for the petitioners submits that



petitioner no. 1 is brother-in-law (Bhaisur) and petitioner no. 2 is sister-in-law (nanad) of the deceased and on the said ground, petitioners have falsely been implicated in the present case. They are innocent and have committed no offence as alleged in the FIR. He further submits that petitioners are living separately from the deceased and her husband. He further submits that petitioners have no say in family affairs of the deceased family. He further submits that husband of the deceased is languishing in jail custody. He further submits that on similar and identical allegation, co-accused Geeta Devi and Ramashish Rai have already been granted anticipatory bail by the Co-ordinate Bench of this Court vide Cr. Misc. No. 39335 of 2025 and on the principle of parity, petitioners also deserve anticipatory bail. Petitioners bear no criminal antecedent.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners by submitting that there is allegation against the petitioners in the FIR and they cannot escape from the liability of allegation made in the FIR. Hence, they do not deserve anticipatory bail.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioners, co-accused have already been granted anticipatory bail by the Co-



ordinate Bench of this Court, petitioners have no say in family affairs of the deceased and her husband, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Motihari in connection with Muffasil P.S. Case No. 160 of 2025, subject to the conditions as laid down under Section 482 (2) of BNSS.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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