

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40551 of 2025

Arising Out of PS. Case No.-205 Year-2024 Thana- SARAIYA District- Muzaffarpur

Sudhir Kumar Rai S/O Radha Prasad Rai @ Radha Ray Resident of Village-
Sarariya @ Saranthi Chhapra B, P.S.- Lalganj, District- Vaishali(named in the
FIR as Tulu ka bahnoi Lalganj Wala)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhavesh Kumar

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 16-07-2025 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 Saraiya Police Station Case No. 205 of 2024,
disclosing offences under Sections 304(B), 201, 34 of the Indian
Penal Code.
3. As per the prosecution case, informant's
daughter namely Chanchala Kumari, was married to Tullu
Kumar on 14.12.2023. After the marriage, she was sent to her
matrimonial home but later returned to her parental home,
where gifts worth Rs. 1 lakh were given. Subsequently, Tullu
Kumar demanded additional dowry, including Rs. 1 lakh cash,
an Apache motorcycle, and gold jewellery, threatening to kill



Chanchala and dispose of her body if the demands were not met. On 03.05.2024, the informant received a call informing her that Chanchala was unconscious at Kadam Chowk Hospital. Upon reaching, informant was told that her daughter had died and her body had gone missing.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the case as a scapegoat, despite having no direct connection with the incident or the informant. He next submits that the informant vaguely identified the petitioner as “Tullu ka bahnoi Lalganj wala,” which suggests a fabricated complaint. Petitioner is the brother-in-law of the deceased’s husband who lives separately in Vaishali and is not involved in the family affairs of the deceased. The main allegation of demand of dowry is only against the husband, not the petitioner. He next submits that no evidence has surfaced during the investigation to show petitioner’s involvement under Section 304B of the I.P.C. He further submits that the lower court mechanically rejected petitioner’s anticipatory bail without properly examining the case diary and following the rejection, the police has been actively searching for him, and he fears arrest, despite there being no legal justification for his custodial interrogation.



5. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that petitioner is having no criminal antecedent and he is a distant relative of the deceased not residing in the matrimonial home of the deceased, I am inclined to grant the petitioner privilege of anticipatory bail.

6. This application is, accordingly, allowed.

7. Let the petitioner, above named, in the event of his 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 4th, West Muzaffarpur, in connection with Saraiya Police Station Case No. 205 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure/Section 482(2) of the BNSS, 2023.

(Anil Kumar Sinha, J)

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