

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54432 of 2025

Arising Out of PS. Case No.-80 Year-2025 Thana- SIWAIPATTI District- Muzaffarpur

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1. Misrail Miyan @ Md. Misrail S/o Md. Mohammadin R/o Village - Madhaipur, P.S - Siwaipatti, District - Muzaffarpur, Bihar, India
 2. Munni Khatun @ Munni Begam W/o Misrail Miyan @ Md. Misrail @ Md. Misrail Mian R/o Village - Madhaipur, P.S - Siwaipatti, District - Muzaffarpur, Bihar, India
 3. Md. Kauser @ Md. Kaushar S/o Misrail Miyan @ Md. Misrail @ Misrail Mian R/o Village - Madhaipur, P.S - Siwaipatti, District - Muzaffarpur, Bihar, India
 4. Bebi Khatun W/o Serajul R/o Village - Madhaipur, P.S - Siwaipatti, District - Muzaffarpur, Bihar, India
 5. Md. Serajul S/o Chand Mohammad R/o Village - Madhaipur, P.S - Siwaipatti, District - Muzaffarpur, Bihar, India

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Drishti Mohan, Adv.
For the Opposite Party/s	:	Mr. Narendra Kumar Singh, APP
For the Informant	:	Mr. Raju Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 07-10-2025
1. Heard learned counsel for the petitioners, learned A.P.P. for the State and the learned counsel appearing on behalf of the informant.
 2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 80 and 3(5) of BNS, 2023.



3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and the informant alleges that his daughter was married to Kyamuddin on 28.03.2018, further on 11.05.2025, the informant came to know that her daughter has been killed by her husband and his family members, accordingly the informant came to the place of occurrence and saw the dead body of her daughter lying in the house and the family members were missing, it is next alleged that petitioners used to demand dowry from the deceased.

4. Learned counsel for the petitioners submits that petitioners have been falsely implicated in the instant case by the informant, it is next submitted that petitioners are father-in-law, mother-in-law, brother-in-law, married sister-in-law and husband of the sister-in-law. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that daughter of the informant was married to Kyamuddin on 28.03.2018 and the instant FIR came to be instituted on 11.05.2025 i.e. after seven years of marriage. It is next submitted that in between these seven years, no case ever came to be instituted either by the informant or the deceased alleging torture on account of non-fulfillment of dowry demand. It is further submitted that from perusal of the allegations as alleged



in the FIR, it would manifest that informant though alleges that his daughter was being tortured for non-fulfillment of demand of dowry, but then the FIR does not even remotely disclose that as to what was being demanded in dowry by the accused persons from the deceased and her family members. It is next submitted that whenever any dispute arises in between the husband and the wife and the occurrence of the nature as alleged takes place, the entire family members are implicated in a mechanical manner with general and omnibus allegations. It is also submitted that had the petitioners been involved in the occurrence in that event efforts would have been made to dispose of the dead body with a view to conceal the evidence, but then the dead body was found lying in the house and the same was sent for postmortem and the postmortem report records asphyxia as a result of *ante mortem* hanging. It is next submitted that the deceased committed suicide. It is next submitted that informant is not an eye witness to the occurrence and the entire allegation hinges around suspicion. It is further submitted that petitioners will not abscond rather will cooperate in the investigation to prove their innocence.

5. Learned A.P.P. for the State and the learned counsel appearing on behalf of the informant opposes the prayer for



anticipatory bail of the petitioners, but then are not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioners that the marriage was more than seven years old and in between these seven years, no case ever came to be instituted either by the deceased or the informant alleging torture on account of non-fulfillment of dowry demand and that no effort was made by the accused persons to dispose of the dead boy with a view to conceal evidence.

6. Considering the submissions made by the learned counsel for the petitioners, 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 bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Siwaipatti P.S. Case No. 80 of 2025 subject to the conditions as laid down under Section 482 (2) of the BNSS.

7. However, it is made clear that in the event if the Investigating Officer of the case files an application before the learned Trial Court bringing to its notice that petitioners despite giving assurance to this Court are not co-operating in the



investigation, in that event the learned Trial Court shall be at liberty to cancel the bail bonds of the petitioners.

8. Let a copy of this order be sent to the concerned police station through the learned Trial Court.

9. Accordingly, the instant anticipatory bail application stands allowed.

(Satyavrat Verma, J)

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