

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66265 of 2024

Arising Out of PS. Case No.-188 Year-2021 Thana- HAJIPUR SADAR District- Vaishali

1. Rohit Ray @ Rohit Kumar Son of Late Nathi Ray @ Shambhunth Rai
Resident of Village - Bakarpur, P.O. - Ismailpur, P.S. - Hajipur Sadar,
District - Vaishali
2. Jitendra Ray @ Jitendra Kumar Son of Late Nathi Ray @ Shambhunth Rai
Resident of Village - Bakarpur, P.O. - Ismailpur, P.S. - Hajipur Sadar,
District - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashutosh Kumar

For the Opposite Party/s : Mr.Chandra Sen Prasad Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 17-01-2025 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in a case
registered for the offence under Sections 304(B)/ 201 / 34 of the
Indian Penal Code.

3. As per prosecution case, on 11.07.2016, sister of
the informant was married with co-accused Rahul Rai and after
the marriage, all the accused persons named in the F.I.R.
including petitioners tortured her physically and mentally for
dowry and lastly, on 23.02.2021 in night, the accused persons
committed her murder and threw the dead-body.

4. Petitioner no. 1 is *Devar* (brother-in-law) and



petitioner no. 2 is *Bhaisur* (elder brother-in-law) of the deceased (sister of informant). Petitioners are victims of over implication. Allegation is general and vague and nothing specific against these petitioners. Petitioners are separate in mess and property and have got no concern with the family affairs of deceased and her husband. Learned counsel for the petitioners further submits that in fact, there was illicit relation between the deceased and her brother-in-law Manjit Rai @ Rajeev Ray had abducted husband of deceased, for which, a complaint case has already been filed by mother of petitioners in the court of learned Chief Judicial Magistrate, Hajipur, vide Complaint Case No. 3322 of 2019 (Annexure – 3) and in retaliation, this false and concocted case has been lodged. The dead body of the deceased has been recovered from village of brother-in-law of the informant and there is every possibility that murder of the deceased was committed by her brother-in-law Manjit Rai @ Rajeev Ray. Similarly situated co-accused have been granted anticipatory bail by this Court, vide order dated 18.09.2024 passed in Cr.Misc. No. 47925 of 2024. Petitioners have got clean antecedent.

5. Learned A.P.P. for the State vehemently opposes the prayer for anticipatory bail of petitioners.



6. However, considering the aforesaid facts and circumstances, let the above named petitioners, in the event of arrest/surrender within a period of eight weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Vaishali at Hajipur in connection with Hajipur Sadar P.S. Case No. 188 of 2021, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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