

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70867 of 2024

Arising Out of PS. Case No.-65 Year-2024 Thana- LAUKAHI District- Madhubani

1. Raj Kumar Ray Son of Late Kari Ray R/O Vill.- Jhahuri, P.S.- Laukahi, Dist.- Madhubani.
2. Shobha Devi Wife of Mr. Raj Kumar Ray R/O Vill.- Jhahuri, P.S.- Laukahi, Dist.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate
		Ms. Vaishnavi Singh, Advocate
For the Opposite Party/s	:	Mr. Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

7 10-04-2025 Heard learned counsel for the petitioners, as also learned Additional Public Prosecutor for the State and learned counsel for the informant.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 304B/34 of the Indian Penal Code.

3. It would appear from perusal of the F.I.R. that the marriage of the informant's daughter had taken place with the son of the petitioners on 15.05.2022, whereafter there was a demand for dowry and also the daughter was subjected to abuse and assault. It has further been stated that due to the non-fulfillment of the demand of dowry, the general allegation is that



the accused persons have killed his daughter and have hanged her using a rope and the said information was given to the informant through a villager.

4. Learned counsel for the petitioners submits that the petitioners are the father-in-law and the mother-in-law of the deceased lady. There is a general and omnibus allegation on the entire family of having demanded for dowry and of also subjecting her to torture. Learned counsel for the petitioners has further drawn the attention to the statement made in paragraph no. 11 in which, it has been stated that the petitioners were separate in mess and business from both their sons and the husband of the deceased i.e., Sanjiv Kumar, who happens to be the son of the petitioners, is already in custody, which has also been stated in the supplementary affidavit filed on behalf of the petitioners. Learned counsel for the petitioners has also stated that there is no evidence of any cruelty meted out to the deceased before the death and even from the postmortem report, no mark of violence/recent assault was found on her body and the cause of the death was opined to be asphyxia due to hanging. However, the final opinion was reserved awaiting the FSL report.

5. Learned APP for the State and the learned counsel



for the informant both opposed the prayer for anticipatory bail application and have also stated that since the processes under Cr.P.C. have already been initiated, they could not be entitled to privilege of anticipatory bail. At this stage, the learned counsel for the petitioners points out to the latest order of the Hon'ble Supreme Court dated 12.11.2024 passed in *Asha Dubey vs. The State of Madhya Pradesh (Cr. Appeal No.4564 of 2024)*, wherein it has been stated in paragraph nos. 8 and 9 that there would not be a total embargo on considering the application for the grant of anticipatory bail and when the liberty of the appellant is pitted against, the Courts will have to look into the circumstances of the case, nature of the offence, and the background on which such a proclamation was issued.

6. It would appear from the records of the case that the petitioners had already approached the Court for grant of anticipatory bail before the issuance of process. Moreover, the son of the petitioners has already been arrested in the case and is in custody. The petitioners are said to be respectable persons having no criminal antecedent and they undertake that they would neither abscond nor tamper with evidence and would cooperate in the investigation/trial.

7. Considering the above facts and circumstances, let



the petitioners, above named, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on each of them 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-I, Jhanjharpur, Madhubani in connection with Laukahi P.S. Case No. 65 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure/Section 482 (2) of the B.N.S.S., 2023 and subject to the further condition that the petitioner shall cooperate in the investigation/trial. However, liberty is also granted to the opposite party no.2 to seek cancellation of bail, in the event of violation of conditions imposed or if there are any perceived threats against the witnesses.

(Soni Shrivastava, J)

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