

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69124 of 2024

Arising Out of PS. Case No.-212 Year-2023 Thana- GWALPARA District- Madhepura

Nikesh Kumar @ Satish S/o- Sudish Yadav Village- Shyam P.s- Gawalpara
Dist. Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 87007 of 2024

Arising Out of PS. Case No.-212 Year-2023 Thana- GWALPARA District- Madhepura

Kanchan Yadav S/o Kishun Yadav R/o vill - Shyam Ward no. 10, P.S. -
Gwalpara, Distt.- Madhepura

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sajjan Devi wife of Dhanik Yadav Resident of Village Pachhyari Tola, P.S.
Dholbazza, Bhagalpur

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 69124 of 2024)

For the Petitioner/s : Mr. Dinesh Prasad Verma, Adv.

For the State : Mr. Bhanu Pratap Singh, APP.

(In CRIMINAL MISCELLANEOUS No. 87007 of 2024)

For the Petitioner/s : Mr. Dinesh Prasad Verma, Adv.

For the State : Mr. Nand Kumar, APP.

For the Informant : Mr. Pawan Kumar, Adv.

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

6 12-05-2025 As both these bail applications have arisen from the same

police station case number, hence, with consent of parties, they

are being heard together and disposed of by this common order.

2. Heard learned counsel for the petitioners, learned APPs

for the State and learned counsel for the informant.



3. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 498A, 364, 34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

4. The allegation made in the FIR is that there was a demand of dowry of one motorcycle by the son-in-law of the informant, namely, Deepak Kumar, husband of the deceased, which could not be fulfilled. It is further alleged that on 25.10.2023, the husband of the deceased gave an information through mobile to the informant's son that he was going to Delhi and he is taking his wife along with him and thereafter, his mobile was switched off. The informant suspected that the daughter of the informant might be killed as she could not fulfil the demand of dowry.

5. Learned counsel for the petitioners submits that the petitioner Nikesh Kumar in Cr. Misc. No. 69124 of 2024 is a friend of the main accused Deepak Kumar while Kanchan Yadav in Cr. Misc. No. 87007 of 2024 is the cousin father-in-law of the deceased. It is further submitted that it would be apparent from the FIR itself that the thrust of the allegation is upon Deepak Kumar who is the husband of the deceased lady and there is general and omnibus allegation against all the other



accused persons including the petitioners. The said Deepak Kumar was taken into custody and his confessional statement was recorded in para 24 of the case diary and from a perusal of the same, it would appear that it was he who had pushed his wife into the river and in his confessional statement, it is alleged that he had gone along with the petitioner Nikesh Kumar earlier to bring his wife, but his mother-in-law had not allowed the same and subsequently, he had gone along with his another friend, namely, Sumit with whom he brought his wife from his *sasural* and hence, no role has been attributed to the petitioner Nikesh Kumar in the alleged occurrence. So far as the petitioner Kanchan Yadav is concerned, he has not even been named in the confessional statement of the husband Deepak Kumar. The further submission is that the chargesheet has already been submitted against the said Deepak Kumar and the petitioner Nikesh Kumar is a student while Kanchan Yadav is cousin father-in-law of the deceased.

6. Learned counsel appearing for the informant, however, opposes the prayer for anticipatory bail, besides others, also on the ground that the process under Section 82 of the Cr.P.C. had been initiated on 23.10.2024. In response, learned counsel for the petitioners submits that that petitioners had already



approached the learned Court below for grant of anticipatory bail which would be apparent from the bail rejection order dated 16.08.2024 itself and thereafter, vide order dated 25.10.2024 passed by a co-ordinate Bench of this Court, no coercive action was directed to be taken against the petitioners. The judicial pronouncement of the Hon'ble Apex Court in the case of *Asha Dubey versus State of Madhya Pradesh* (Criminal Appeal No. 4564/2024) is also referred to by the learned counsel for the petitioners to submit that there is no complete embargo on the grant of anticipatory bail upon issuance of process under Section 82 of the Cr.P.C. and other attending circumstances also have to be taken into consideration. The petitioners have no criminal antecedent and this would also be a relevant consideration.

7. Considering the abovementioned facts and circumstances of the case and that the petitioners have no concern with the alleged occurrence and nothing specific has been attributed against them, I am inclined to grant the privilege of anticipatory bail to the petitioners. 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 furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of



the like amount each to the satisfaction of learned Chief Judicial Magistrate, Udakishunganj in connection with Gawalpara P.S. Case No. 212 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C/ 482 (2) of the BNSS, 2023.

(Soni Shrivastava, J)

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