

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3189 of 2026

Arising Out of PS. Case No.-361 Year-2025 Thana- KALYANPUR District- East Champaran

1. Motilal Rai @ Moti Lal Ray Son of Late Jamuna Rai Resident of Village - Jamunapur, P.S. -Kalyanpur, District - East Champaran.
2. Sanjay Kumar @ Sanjay Prasad Yadav Son of Late Hira Lal Ray Resident of Village - Jamunapur, P.S. -Kalyanpur, District - East Champaran.
3. Sudama Kunwar Wife of Late Hira Lal Rai Resident of Village - Jamunapur, P.S. -Kalyanpur, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 3248 of 2026

Arising Out of PS. Case No.-361 Year-2025 Thana- KALYANPUR District- East Champaran

Tejnarayan Ray @ Tej Narayan Rai S/ O Motilal Ray Resident of Village - Jamunapur, P.S. -Kalyanpur, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 3189 of 2026)

For the Petitioner/s : Mr.Madhurendra Kumar

For the Opposite Party/s : Mr.Awadhesh Kumar Singh

(In CRIMINAL MISCELLANEOUS No. 3248 of 2026)

For the Petitioner/s : Mr.Madhurendra Kumar

For the Opposite Party/s : Mr.Bishweshwar Ram

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

3 20-02-2026 Heard learned counsel for the petitioners and

learned APP for the State.

2. As both the bail applications arise out of the same

police station case number, and with the consent of the parties,

they are being heard together and disposed of by this common

order.



3. At the outset, learned counsel for the petitioner seeks permission to withdraw the anticipatory bail application with respect to petitioner, Tejnarayan Ray @ Tej Narayan Rai, in Cr. Misc. No.3248 of 2026.

4. Permission is accordingly granted.

5. Considering the aforesaid submissions, the anticipatory bail application with respect to petitioner in Cr. Misc. No.3248 of 2026 stands dismissed as withdrawn and the petitioner is directed to surrender before the Trial Court within a period of four weeks from today and it is expected that on surrender, his regular bail application will be heard on merits.

6. Now, the anticipatory bail application with respect to petitioners in Cr. Misc. No.3189 of 2026 is being considered.

7. The petitioners are apprehending their arrest in connection with Kalyanpur P.S. Case No.361 of 2025, F.I.R dated 11.09.2025 registered for the offences punishable under Sections 80 and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

8. According to prosecution case, Sushila Kumari, was married to co-accused Tej Narayan Rai on 27.06.2022. At the time of marriage, substantial gifts including gold and silver ornaments, furniture, clothes, a motorcycle, and cash were given. After the birth of a baby girl, the accused allegedly



demanded a gold chain and a she-buffalo and subjected the deceased to cruelty for non-fulfilment of these demands. Despite attempts by the informant to settle the matter, the accused allegedly threatened to kill her. On 05.09.2025, the accused persons allegedly killed the deceased, cremated her body, and fled. The informant learned of the incident from villagers and, upon reaching the matrimonial home, found that the body had already been cremated, leading to the lodging of the present case.

9. Learned counsel for the petitioners submits that petitioner Nos.1, 2 and 3 are the father-in-law, cousin and aunt of the deceased daughter of the informant. It has next been submitted that from the contents of the F.I.R., there is nothing specific against these petitioners rather the allegations are general and omnibus in nature. It has further been submitted that the petitioner was suffering from severe anxiety and depression on the alleged date of occurrence and she committed suicide and on information having been given to the parents of the deceased, they participated in the cremation and thereafter, the F.I.R. was lodged, after a delay of about six days. The petitioners are law abiding citizens, having sufficient means and could not abscond or tamper with the evidence.



10. Learned APP for the State has vehemently opposed the prayer for anticipatory bail application.

11. Considering the aforesaid facts and circumstances that there is no specific allegations against the petitioners in Cr. Misc. No.3189 of 2026 rather the allegations are general and omnibus in nature and the F.I.R. is said to have been lodged after a delay of about six days and the anticipatory bail application with respect to petitioner in Cr. Misc. No.3248 of 2026 has already been withdrawn and he proposes to surrender before the learned Trial Court. Accordingly, this Court is inclined to grant the privilege of anticipatory bail to the petitioners in Cr. Misc. No.3189 of 2026.

12. Let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, 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 the learned Additional Chief Judicial Magistrate- 12th East Champaran, Motihari, in connection with Kalyanpur P.S. Case No.361 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other



following conditions:-

(i) one of the bailors should be the family member/relative/known of the petitioner(s) who shall provide official document/personal affidavit to show his/her bona fide;

(ii) the petitioner(s) shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her/their bail bond by the Trial Court itself;

(iii) the petitioner(s) shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner(s) shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(v) the learned Trial Court is directed to accept the bail bonds of the petitioner only after ensuring the surrender of the husband being the petitioner in Cr. Misc. No.3248 of 2026.

(Ajit Kumar, J)

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