

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36269 of 2026

Arising Out of PS. Case No.-168 Year-2022 Thana- SAHPUR District- Patna

1. Sunaina Devi S/o Ram Khelari Singh @ Ramakhelari Singh @ Ramkhilari Singh @ Ramkhelri Singh, Resident of Village - Rahimapur, P.S. - Bidupur, District - Vaishali.
2. Ram Khelari Singh @ Ramakhelari Singh @ Ramkhilari Singh @ Ramkhelri Singh, S/o Late Ram Bali Singh Resident of Village - Rahimapur, P.S. - Bidupur, District - Vaishali.
3. Chandan Kumar @ Balram Singh, S/o Ram Khelari Singh @ Ramakhelari Singh @ Ramkhilari Singh @ Ramkhelri Singh, Resident of Village - Rahimapur, P.S. - Bidupur, District - Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Baby Kumari W/o Shubham Kumar @ Prem Kumar Yadav @ Subham Kumar, Resident of Village - Rahimapur, P.S. - Bidupur, District - Vaishali. at present Villlage - Mubarakpur, P.S. - Shahpur, Dist. - Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Ranjan, Adv.
For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 02-06-2026 Heard learned Advocate for the petitioners and learned APP for the State through virtual mode.

2. The petitioners before this Court, who happen to be mother-in-law, father-in-law and brother-in-law of O.P. No.2 are apprehending their arrest in connection with Tr. No. 4061 of 2024 arising out of Shahpur P.S. Case No.168 of 2022 (G.R. 767/24) registered for the offences punishable under Sections 498A of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.



3. Allegedly, the marriage of the son of petitioners no.1 and 2 was solemnized with O.P. No.2 on 03.07.2017, and soon after the marriage she was subjected to demand of dowry. On account of non-fulfillment of the same, she was tortured in various ways. There is allegation that when the informant was pregnant, she was also assaulted and ousted from the matrimonial home.

4. Learned Advocate for the petitioners submitted that during the investigation, the petitioners were accorded the privilege of Section 41A of the CrPC. However, after completion of the investigation, the charge-sheet has been submitted and cognizance has been taken for the offences punishable under Section 498A of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act. It is further contended that the husband of O.P. No.2 has also filed a restitution case, being Restitution (Matrimonial) Case No. 175 of 2022 before the learned Principal Judge, Family Court, Hajipur, Vaishali. However, on account of negligence, the said case was dismissed for want of prosecution. It is also contended that after taking cognizance of the offences, summons have been issued but it has never been served upon the petitioners; in the meantime, the process under Section 82 CrPC has been issued. However, the



law is well settled that even in the event of declaration under Section 82 of the CrPC, it is not as if in all cases that there will be a total embargo on considering the application for grant of anticipatory bail. To support the aforesaid contention, reliance has also been made on a decision rendered by the Hon'ble Apex Court in *Asha Dubey v. State of Madhya Pradesh [2024 SCC OnLine SC 5633]*. It is lastly contended that the husband of O.P. No.2 has also filed a Criminal Miscellaneous No. 36128 of 2026, wherein notice has been issued to O.P. No.2 and the matter is pending adjudication before this Court. The petitioners bear fair antecedent.

5. On the other hand, learned Advocate for the State vehemently opposed the bail application and submitted that there is a specific accusation against the petitioners of causing torture to the informant on account of non-fulfillment of demand of dowry.

6. Having considered the submissions advanced by the learned Advocates for the respective parties, and taking note of the fact that in Criminal Miscellaneous No. 36128 of 2026 notice has already been issued to O.P. No.2 and the matter is pending adjudication; so far as the petitioners are concerned they are the parents-in-law as well as brother-in-law



respectively as well as their fair antecedent, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Danapur, Patna in connection with Tr. No. 4061 of 2024 arising out of Shahpur P.S. Case No.168 of 2022 (G.R. 767/24), subject to the condition as laid down under Section 482(2) of the BNSS, with further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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