

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39823 of 2026

Arising Out of PS. Case No.-125 Year-2025 Thana- DALSINGHSARAI District- Samastipur

1. Indal Rai @ Ivder Rai @ Inder Rai Son of Late Janak Rai Resident of Village - Bashahi Bhindi, P.S.- Tajpur, District - Samastipur.
2. Sarshwati Devi Wife of Indal Rai Resident of Village - Bashahi Bhindi, P.S.- Tajpur, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satya Prakash Sinha, Adv.
For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 22-07-2026 1. 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 offences punishable under Sections 103(1), 80, 238(a), 126(2), 115(2), 117(2), 352 and 3(5) of the BNS.

3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and the informant alleges that his daughter was married to Vikash about three years back and out of the wedlock a daughter was born, as such, the accused persons including the petitioners used to torture her and demanded dowry, further about ten days back accused persons assaulted her and ousted her from her matrimonial home, thus she came to her parental home, it is next alleged that on 07.04.2025, his son-in-law came and threatened that he will kill the informant, next alleges that his daughter and his



daughter-in-law (Kalpana) were going to the market when his son-in-law (Vikash) came by motorcycle and dashed them, causing fracture of leg of his daughter-in-law (Kalpana) and assaulted his daughter by belt causing death of the victim, thereafter her dead body was brought home when Vikash along with petitioner no. 1 and several unknown accused came and forcibly took the dead body away in a car and disposed of the dead body.

4. Learned counsel for the petitioners submits that petitioners have been falsely implicated in the instant case by the informant, it is next submitted that no doubt the victim died within seven years of marriage, as such, in law even the presumption is against the husband and his family, but then all deaths are not dowry deaths. It is further submitted that as far as allegation of demand of dowry and torture is alleged, the same is general and omnibus in nature. It is also submitted that from perusal of the allegations as alleged in the FIR, it would manifest that informant alleges that the victim was ousted from her matrimonial home, as such, she came back to her parental home along with the child and on the date of occurrence, the son-in-law dashed Kalpana by motorcycle leading to injury and thereafter assaulted the victim on account to which she died,



thereafter the dead body was brought to the house but the son-in-law along with his father i.e. petitioner no. 1 came to the house of the victim and forcibly took away the dead body. It is next submitted that it does not appear probable that the son-in-law in a market place would have assaulted in a manner leading to death of the victim. It is also submitted that from perusal of the allegations as alleged in the FIR, it would manifest that petitioner no. 2 being mother-in-law came to be implicated based on general and omnibus allegation of demand of dowry and torture.

5. Learned A.P.P. for the State vehemently opposes the anticipatory bail application of the petitioners and submits that the victim died within seven years of marriage and the informant alleges that the victim was assaulted by Vikash in a market place leading to her death and thereafter Vikash along with his father and other accused persons came to the house of the victim and forcibly took the dead body away. It is next submitted that had the death been a natural death in that event the dead body would not have been taken away by Vikash and others and since the death took place within seven years of marriage, as such, postmortem would have been carried out to ascertain the cause of death, but then it appears that the body



was cremated in haste and the informant specifically alleges that Vikash had come to take the dead body of the victim along with petitioner no. 1 and other accused. It is next submitted that investigation in the case is continuing.

6. After hearing the learned counsel for the parties and taking into consideration the fact that petitioner no. 2 has been implicated based on general and omnibus allegation of demand of dowry and assault, the petitioner no. 2 in the event of her arrest or surrender within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Dalsingsarai P.S. Case No. 125 of 2025 subject to the conditions as laid down under Section 482 (2) of the BNSS.

7. The Court is not inclined to extend the privilege of anticipatory bail to the petitioner no. 1, hence prayer for anticipatory bail of petitioner no. 1 is rejected.

(Satyavrat Verma, J)

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