

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44557 of 2026

Arising Out of PS. Case No.-222 Year-2025 Thana- SHAHPUR PATORI District- Samastipur

1. Jitendra Kumar Son of Raj Kumar Rai Resident of Village - Ramgama Kamal, P.S.- Patori, District - Samastipur.
2. Nilam Devi @ Lila Devi Wife of Raj Kumar Rai Resident of Village - Ramgama Kamal, P.S.- Patori, District - Samastipur.
3. Anjali Kumari Daughter of Raj Kumar Rai Resident of Village - Ramgama Kamal, P.S.- Patori, District - Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shambhu Rai Son of Late Badri Rai Resident of Village - Terasiya, P.S.- Ganga Bridge, District - Vaishali.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raja Ram Mishra, Adv.

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 28-07-2026 1. Heard learned counsel for the petitioners and
learned A.P.P. for the State Mr. Chandra Bhushan Prasad.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 103(1), 80, 238 and 3(5) of the B.N.S., 2023.

3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and the informant alleges that his daughter was married to Vikram about 8 years back, further after one year of marriage, accused persons started demanding a motorcycle and a chain and on account of non-



fulfillment of the demand, the victim was tortured, further on 03.06.2025, his daughter called and informed five named accused persons including the petitioners are assaulting her and thereafter the call disconnected, hence the informant requested Ram Pravesh (Mausa of victim) to go and find out, hence Ram Pravesh asked Shyam to go and see what has happened and thereafter Shyam disclosed that he saw accused fleeing with the dead body of the victim.

4. Learned counsel for the petitioners submits that husband was taken in custody and in the trial he was acquitted, hence the learned counsel submits that no useful purpose would be served by sending the petitioners to jail.

5. Learned A.P.P. for the State Mr. Chandra Bhushan Prasad vehemently opposes the prayer for anticipatory bail of the petitioners and submits that the evidence which came in the trial of the husband of the deceased would not be used in the trial of the petitioners rather the trial would start afresh. It is also submitted that the conduct of the petitioners points to the fact that they are fence-sitters. It is also submitted that it appears that the petitioners were waiting for acquittal of the husband of the deceased. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that postmortem of the



dead body was not carried out, which amply demonstrates that the death was not natural or else the body would have been sent for postmortem for ascertaining the cause of death. It is also submitted that it is not possible for the husband alone to cremate the dead body. It is further submitted that Shyam, who was sent by Ram Pravesh for finding out what was happening in the house of the victim disclosed that he saw the accused persons fleeing with the dead body, on which, the learned counsel appearing on behalf of the petitioners submits that even Shyam has not been examined in the trial which the husband of the deceased faced, on which, the learned APP submits that in the trial of the petitioners Shyam is a witness and he can depose. Learned APP reiterates and submits that since postmortem of the dead body was not carried out, hence it can be safely culled out that the death was not normal. At this stage, the learned counsel appearing on behalf of the petitioners submits that petitioner no.3 is unmarried sister-in-law of the deceased.

6. After hearing the learned counsel for the parties and taking into consideration the fact that petitioner no.3 is unmarried sister-in-law, the petitioner no.3, above-named, 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) each with two sureties of the like amount each to the satisfaction of learned trial court where the case is pending/successor court in connection with Patori P.S. Case No.222 of 2025, subject to the conditions as laid down under Section 482(2) of the B.N.S.S.

7. Accordingly, the anticipatory bail application with respect to petitioner no.3 is **allowed**.

8. However, the Court taking into consideration the submission made by the learned APP is not inclined to extend the privilege of anticipatory bail to petitioner no.1 and 2.

9. Accordingly, the anticipatory bail application with respect to petitioner no.1 and 2 is **rejected**.

(Satyavrat Verma, J)

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