

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42100 of 2026

Arising Out of PS. Case No.-53 Year-2025 Thana- Bhopatpur District- East Champaran

1. Nandkishor Ray @ Nand Kishore Prasad Yadav, Son of Late Hira Rai Resident of village- Dasauta Bairiya, Ps- Bhopatpur, Dist- East Champaran
2. Kawal Rai, Son of Late Motilal Rai @ Basantilal Rai Resident of village- Patpariya, Ps- Kalyanpur, Dist- East champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY

ORAL ORDER

2 01-07-2026 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in connection with Bhopatpur P.S. Case No.53 of 2025 registered for the offences under Sections 80, 238, 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. The allegation against the petitioners is that they, along with other co-accused persons, had killed the daughter of the informant due to non-fulfillment of the demand of dowry.



4. Learned counsel for the petitioners submits that the petitioner no.1 happens to be the father-in-law of the deceased while petitioner no.2 is the friend of the husband of the deceased. It has further been submitted that the entire family has falsely been implicated in this case and in fact the trial of the other co-accused persons had commenced and from the perusal of the judgment, wherein the said accused persons have been acquitted, giving the benefit of doubt, on account of the fact that the informant had not supported the prosecution case but rather from his evidence, it was clear that the daughter-in-law of petitioner no.1 died a natural death. In the said evidence, the informant has also accepted that he had lodged the FIR at the instigation of another person. It has lastly been submitted that taking the same into account, the petitioners, who carry clean antecedents, may be released on bail.

5. Learned APP for the State has opposed the prayer for anticipatory bail.

6. Considering the facts and circumstances of the case and the submissions advanced on behalf of the parties, let the petitioners above named be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail



bonds of Rs.10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor court in connection with Bhopatpur P.S. Case No.53 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure read with corresponding Section 482(2) of B.N.S.S. as well as subject to the following conditions:-

(i) One of the bailors of the petitioners shall be their close relative.

(ii) The petitioners shall remain physically present in Court on each date of the trial.

(iii) In case of absence on two consecutive dates, or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the Court concerned.

(iv) If the petitioners are found involved in similar nature of offence in future, the prosecution shall be at liberty to move for cancellation of their bail bond.

(v) The learned Court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

7. Accordingly, the prayer for anticipatory bail is allowed.



8. It is made clear that the observation, if any, made in
this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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