

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65815 of 2025

Arising Out of PS. Case No.-5 Year-2025 Thana- SAHPUR District- Patna

1. Bindeshwar Rai Son of Late Pawan Rai @ Late Pawan Ray R/o Akluchak, P.S.- Shahpur, District - Patna
2. Kanhaiya Rai Son of Late Pawan Rai @ Late Pawan Ray R/o Akluchak, P.S.- Shahpur, District - Patna
3. Sona Devi Wife of Bindeshwar Rai R/o Akluchak, P.S.- Shahpur, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Patanjali Rishi

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 01-05-2026 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 80 and 3(5) of the Bharatiya Nyaya Sanhita.

3. Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and being father-in-law, cousin father-in-law and mother-in-law of the deceased, have been falsely implicated in the instant case by the informant. It is next submitted that the informant alleges that his daughter was married to Sunny on 24.04.2024 and after



marriage, accused persons including the petitioners started pressurising the informant for giving a Bullet motorcycle by way of dowry, further on 05.01.2025 at about 2:30 am, he was informed by his relative that his daughter has been killed and when the informant reached the place of occurrence, i.e., house of Sunny Kumar, he saw the dead body of his daughter lying and no one was present in the house, thus alleges that his daughter was killed by the accused persons.

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 from perusal of the allegations as alleged in the FIR, it would manifest that allegation of demand of dowry and torture is general and omnibus in nature. It is further submitted that the informant is not an eye-witness to the occurrence and the entire allegation hinges around suspicion. It is also submitted that the victim committed suicide as would manifest from postmortem report also. It is next submitted that during the course of investigation, it also transpired that a Splendor motorcycle was given to Sunny, who has given the said motorcycle to his brother-in-law (husband of his sister) and again started demanding a Bullet motorcycle and when the demand could not be fulfilled, then



Sunny started torturing the victim on account of which she committed suicide. It is next submitted that whenever any dispute in between the husband and the wife arises and the occurrence of the nature as alleged takes place, the entire family members are implicated in a mechanical manner with general and omnibus allegations. It is further submitted that had the petitioners been involved in the occurrence, in that event, efforts would have been made to dispose of the dead body with a view to conceal evidence, but then the dead body was lying at the place of occurrence and was sent for postmortem for ascertaining the cause of death. It is also submitted that petitioner no. 2 is separate in mess and property from his brother, i.e., petitioner no. 1, but then informant implicated him also in the case with general and omnibus allegation.

5. Learned A.P.P. for the State, Sri Chandra Bhushan Prasad, opposes the prayer for anticipatory bail of the petitioners and submits that what is not in dispute rather stands admitted is that victim died within an year of marriage, as such presumption in law is against the husband of the deceased and his family members. It is next submitted that it has come during the course of investigation that Sunny was torturing the victim for non-fulfillment of the demand of Bullet motorcycle, as such fed up



with the torture, the victim committed suicide, but then it is submitted that petitioner nos. 1 and 3 are parents and they live in the same house and if torture was being meted out to the victim then it appears that they made no endeavours to stop Sunny from committing such cruelty with the victim. It is also submitted that the victim took the extreme steps of ending her life, which amply demonstrates that how miserable her condition was in her matrimonial home finding no support from any family members hence she had no other alternative but to end her life, but then the learned APP is not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioners with regard to petitioner no. 2.

6. Learned APP, at this stage, submits that investigation in the case is continuing and the cause of death requires to be investigated and for the said purpose, interrogation of the accused persons is required.

7. After hearing the learned counsel for the parties, the petitioner no. 2 above-named, in the event of his 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 Shahpur P. S.
Case No.05 of 2025, subject to the conditions as laid down
under Section 482 (2) of the BNSS.

8. However, the Court is not inclined to extend the
privilege of anticipatory bail to the petitioner nos. 1 and 3.
Accordingly, the prayer for anticipatory bail of the petitioner
nos. 1 and 3 is rejected.

(Satyavrat Verma, J)

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