

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21850 of 2017

Arising Out of PS.Case No. -989 Year- 2015 Thana -MADHEPURA COMPALINT CASE District-
MADHEPURA

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1. Shambhu Prasad Yadav Son of Late Rameshwar Yadav
2. Kaushalya Devi @ Koshila Devi Wife of Shambhu Prasad Yadav @
Shambhu Yadav, Both Resident of Village- Dighiya, Police Station &
District- Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sushma Kumari @ Divya Bharti Wife of Pappu Kumar Daughter of
Jaiprakash Yadav Resident of Jagbani, PS Gamaharia, District Madhepura.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Diwakar Prasad Singh
For the Opposite Party/s : Mr. Yogendra Kr. Singh(APP)
Sri Prem Chand Yadav

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 01-07-2017 Heard Sri Diwakar Prasad Singh, learned counsel for
the petitioners , Sri Yogendra Kumar Singh, learned Additional
Public Prosecutor as well as Sri Prem Chand Yadav, learned
counsel for the complainant.

Two petitioners, who are father- in- law and mother-
in- law respectively, of the complainant /opposite party no. 2 have
approached this court for grant of bail in the event of their arrest or
surrender in Complaint Case No. 989 of 2015 registered for the
offence under section 341, 323, 494 and 498-A of the Indian Penal
Code.

It was submitted by learned counsel for the petitioners



that petitioners' son namely Pappu Kumar after marriage was living separately since his daughter-in-law was not behaving with them properly. It has also been argued that being father –in- law and mother- in- law, they have been arrayed as accused in the present petition, however main allegation is against the husband regarding whom it has already been alleged that he has solemnized second marriage with one Smt. Sunita Devi.

Sri Yogendra Kumar Singh, learned Additional Public Prosecutor has vehemently opposed the prayer for grant of anticipatory bail. He submits that petitioners are only responsible for commission of offence against the complainant.

Considering the fact that petitioners are father- in- law and mother –in- law of the complainant/ opposite party no. 2 and the fact that main accusation is against husband , there is no reason to deny prayer for anticipatory bail to the petitioners.

Accordingly , in the event of arrest or surrender within a period of six weeks from today, let both the petitioner Shambhu Prasad Yadav and Kaushalya Devi @ Koshila Devi be enlarged on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate – 1 at Madhepura / concerned court in connection with Complaint Case



No. 989 of 2015 subject to the conditions as contemplated under
section 438(2) of the Code of Criminal Procedure 1973.

(Rakesh Kumar, J)

Praful/-

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