

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25342 of 2017

Arising Out of PS.Case No. -351 Year- 2016 Thana -MUZFFARPUR COMPLAINT CASE District-
MUZAFFARPUR

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1. Sharda Srivastava, wife of Late Gajendra Prasad Srivastava, resident of Village- Bhakurhar, P.S.- Bairgania, District- Sitamarhi.
2. Rajiv Kumar @ Rajeev Kumar, son of Late Gajendra Prasad Srivastava, resident of Village- Bhakurhar, P.S.- Bairgania, District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Anamika Kumari, daughter of Arun Kumar Srivastava, resident of Nagendra Nagar Colony, Lane No.2, Bela Road, P.S.- Bela, District- Muzaffarpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Siddhartha Prasad
For the Opposite Party/s : Mr. Sanjay Kumar Tiwary 1

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 06-07-2017 Heard Mr. Prasad for the petitioner, Mr. Arvind Kumar for the complainant and the State.

The two petitioners herein are the mother-in-law and brother-in-law of the complainant and are facing prosecution under Sections 420, 498A, 406 and 354 B of the IPC.

It is submitted that the petitioner no.1 is mother-in-law. The learned trial Court did not take cognizance under Section 3/4 of the demand of Dowry Prohibition Act. The allegation with regard to outraging the modesty attributed to petitioner no.2 is completely false. He relied in this regard on the relieving order of



the petitioner issued by his superior authority. It is further submitted that the complainant has herself filed a divorce case against the husband. There is material contradiction in so far as the allegation of outraging the modesty attributed to petitioner no.2 is concerned.

Learned counsel for the complainant, on the other hand, submits that there is specific allegation against the petitioner no.2 of having attempted to outrage the modesty of the complainant when she was living with his husband in the 'sasural'.

Considering the facts and circumstances of the case, this court is not inclined to extend the privilege of anticipatory bail to the petitioner no.2, namely Rajiv Kumar @ Rajeev Kumar. Prayer is, accordingly, rejected. Let the petitioner No.2 surrender and pray for bail before the Court. In that event, the Court below shall consider and dispose of the same on its own merit without being prejudiced by the present order.

So far as the petitioner no.1, namely, Sharda Srivastava is concerned, in the event of her arrest or surrender before the Court below within a period of four weeks from today, the petitioner no.1 be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-cum-Sub Judge



12th Muzzafarpur in connection with complaint case no. 351 of 2016, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 with the further following conditions:-

- (i) One of the bailors shall be the own/close family member of the petitioner.

(Kishore Kumar Mandal, J)

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