

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4954 of 2019

Arising Out of PS. Case No.-788 Year-2008 Thana- COMPLAINT CASE District- Araria

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1. Baidynath Paswan, Male, aged about 58 years, Son of Late Uchit Paswan.
 2. Chunchun Devi, Female, aged about 40 years, Wife of Baidynath Paswan,
Both Resident of Village- Aurahi, P.S.- Simraha, District- Araria

... .. Petitioner/s

Versus

1. The State Of Bihar and Anr Bihar
2. Radha Devi, Wife of Munna Paswan, D/o- Dhannanand Paswan Resident of
Village- Aurahi, P.S.-Simraha, District- Araria

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gopal Kumar Jha

For the Opposite Party/s : Mr.Surendra Kumar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 30-01-2019 Heard learned counsels for the petitioners and the

State.

The petitioners being, the parents of the husband of the complainant are apprehending arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Section 498A of the IPC.

The prosecution case, as per the complaint petition filed by Radha Devi, is to the effect that the complainant was married with the son of the petitioners, namely, Munna Paswan one year prior to the filing of the present complaint, in the year 2008. Thereafter, further dowry demand of Rs. 50,000/- was made and due non-fulfillment of the same, torture was inflicted upon the



complainant by the husband and other co-accused persons. Ultimately, on 12.04.2008, the complainant was driven out from the matrimonial house.

It is submitted by learned counsel for the petitioners that thrust of accusation is against the husband of the complainant. The accusation against the petitioners is omnibus and general. It is further submitted that though, cognizance was taken in the year 2008, but till date, neither any summons nor any process either under Section 82 or under Section 83 of the Cr. P.C. has been issued against the petitioners.

Considering the fact that the cognizance has been taken in year 2008 and the present application has been filed with a prayer for anticipatory bail in year 2019, this Court is not inclined to grant the petitioners anticipatory bail in connection with Complaint Case No. 788C of 2008, pending in the Court of learned CJM, Araria.

Accordingly, the prayer for anticipatory bail of the petitioners is rejected.

However, let the learned Court below consider the prayer for regular bail of the petitioners if they surrender within a period of six weeks, keeping in view the fact that the thrust of accusation is against the husband of the complainant and the



accusation against the petitioners is omnibus and general.

Accordingly, the present application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

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