

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12808 of 2019

Arising Out of PS. Case No.-21 Year-2016 Thana- MAHILA P.S. District- Sitamarhi

1. Rameshwar Paswan, aged about 48 Years, Gender-Male, Son of Late Rudal Paswan, Resident of Village- Bhawdepur, Ward No.- 4, P.S.-Riga, District - Sitamarhi.
2. Sunaina Devi, aged about 42 Years, Gender-Female, Wife of Rameshwar Paswan, Resident of Village- Bhawdepur, Ward No.- 4, P.S.-Riga, District - Sitamarhi.

... .. Petitioners

Versus

1. The State of Bihar.
2. Babita Kumari, Wife of Abhineet Kumar Gautam and daughter of Dhruv Prasad Gupta, Resident of Village- Bhawdepur, Ward No.- 4, P.S.-Riga, District - Sitamarhi.

... .. Opposite Parties

Appearance :

For the Petitioners	:	Mr.Md. Anis Akhtar, Advocate.
For the State	:	Mr. Pramod Kumar Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 01-03-2019 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners are apprehending their arrest in a case
for the offence registered under Sections 341, 323, 498(A)/34,
504 of the IPC and ¾ of the D. P. Act.

The prosecution story, in brief, is that the informant
Babita Kumari performed inter-caste love marriage with
accused Abhinit Kumar Gautam for which parents of the
informant lodged a case of kidnapping which was compromised.
The petitioner no. 1 kept the informant as daughter-in-law. The



husband of the informant lives in Bhopal. It is alleged that the informant was subjected to cruelty and harassment by the accused persons including the petitioners on account of insufficient dowry. The informant complained the matter to her husband but of no effect. He also committed *Mar-Pit* with the informant.

It has been submitted by learned counsel for the petitioners have falsely been implicated in the present case due to petty family dispute. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners are father-in-law and mother-in-law of the victim. They are separate in mess and property from the husband of the victim. The case is triable by the Magistrate. The petitioners have further relied upon the judgment of this Court in the case of Md. Naimul Haque Ansari @ Naimul Haque Ansari & Ors. Vs. The State of Bihar, reported in 2006(3) PLJR 182.

On behalf of the learned counsel for the State, it has been submitted that the petitioners are named in the F.I.R./ complaint case.

Considering the aforesaid facts and circumstances, let the petitioners above named, in the event of arrest or surrender before the learned court below within a period of six weeks



from today, be released on anticipatory bail 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 S.D.J.M. Sadar, Sitamarhi, in connection with Sitamarhi (Mahila) P.S. Case No. 21 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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