

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13053 of 2019

Arising Out of PS. Case No.-1 Year-2019 Thana- UPHARA District- Aurangabad

1. ROHIT KUMAR, aged about 20 years, Gender-Male, Son of Harinandan Mehta
 2. Ashish Kumar, aged about 18 years, Gender-Male, Son of Harinandan Mehta
 3. Yashomati Kumari, aged about 50 years, Gender-Female, Wife of Harinandan Mehta
 4. Harinandan Mehta, aged about 68 years, Gender-Male, Son of Late Ram Surat Singh
- All are residents of Village - Teyap, P.S.- Uphara, Distt - Aurangabad.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Krishna Prasad Singh
For the Opposite Party/s :	Mr.Indra Kumar Singh
	Mr. Ashok Kumar No.6

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 05-03-2019 Heard learned counsel for the petitioners, learned
A.P.P. and learned counsel for the informant.

The petitioners apprehend their arrest in Uphara P.S.
Case No.1 of 2019 registered under Sections 323, 504, 506,
498(A) and 34 of the Indian Penal Code and Sections 3 and 4 of
Dowry Prohibition act.

The informant made allegation that she was married
to Rahul Kumar, the brother of petitioner Nos.1 and 2 and son of
petitioner Nos.3 and 4 on 23.05.2017 but her husband who is an
Armyman started subjecting her to torture. The brothers-in-law,



father-in-law and mother-in-law are also alleged to have started abusing the informant. The informant further alleged that her husband came on leave two weeks ago and asked the informant to leave the house. Her husband came in inebriated condition and abused the informant. He also tried to assault the informant with broken glass but the informant save herself somehow. Her parents came and took her to their own house.

The learned counsel for the petitioners submits that informant did not make any sorts of allegation against the petitioners. The petitioners never tortured the informant. The informant made specific allegation against her husband but she made the petitioners also accused only because the petitioners happens to be brothers-in-law, father-in-law and mother-in-law of the informant. The husband of the informant has already filed petition for grant of anticipatory bail.

Learned counsel for the informant as well as learned A.P.P. vehemently opposed the prayer for anticipatory bail of the petitioners and submit that informant is ready to live with her husband.

It appears that petitioners are brothers-in-law, father-in-law and mother-in-law of the informant. The informant did not make any specific allegation of demand of dowry and



torture against the petitioners. She made only allegation that the petitioners also supported the husband of the informant while her husband was abusing her.

Taking into consideration the facts and nature of allegation made against the petitioners and the fact that the petitioners are brothers-in-law, father-in-law and mother-in-law of the informant, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt of the order, be released 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 the learned Judicial Magistrate-Ist Class, Daudnagar, District-Aurangabad in connection with Uphara P.S. Case No.1 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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