

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21435 of 2019

Arising Out of PS. Case No.-158 Year-2018 Thana- MAHILA P.S. District- Patna

1. SHASHIKANT Son of Late Ram Keshab Prasad @ Ram Kewal Prasad, Resident of Mohalla- Tej Pratap Nagar, New By-Pass Road Anishabad, Police Station- Beur District- Patna.
2. Anita Devi @ Anita Prasad Wife of Shashikant, Resident of Mohalla- Tej Pratap Nagar, New By-Pass Road Anishabad, Police Station- Beur District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Sr. Advocate Mr. Birendra Narayan Sharma
For the State	:	Mr. Umeshanand Pandit, APP
For the Informant	:	Ms. Sudarshan Jyoti, in person

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 05-04-2019 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Mahila P.S. Case No. 158 of 2018, disclosing offences under Sections 376 and 420/34 of the Indian Penal Code.

On perusal of the FIR, it can be easily noticed that there is allegation against the co-accused Nishikant of having induced the informant, leading to physical relationship between them. Allegedly, despite assurance given, the said co-accused refused to marry the informant. There is allegation of demand of dowry by the said co-accused and family members, including



petitioner no.1, who is the elder brother of the main accused Nishikant. Petitioner no.2 is the wife of petitioner no.1.

Learned Senior Counsel, appearing on behalf of the petitioners, has submitted that these petitioners have been implicated only because of their relationship with the main accused Nishikant.

The informant, on the other hand, has submitted that she was harassed and tortured by all the accused persons, including these petitioners.

However, considering the nature of allegation against these petitioners, and considering the statement of the informant recorded under Section 164 of the Cr. P.C. which does not disclose any overt act against these petitioners, this application is allowed. Let the petitioners, above named, in the event of their arrest/surrender within six weeks from today in the court below, be released on 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 Smt. Priya Shekhar, learned Judicial Magistrate, 1st Class, Patna in connection with Mahila P.S. Case No. 158 of 2018, subject to the condition as laid down under Section 438 (2) of the Code of Criminal Procedure.



This is subject to the condition that the petitioners shall present themselves before the Police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

The informant, in person, states that she is being harassed and tortured by the accused persons and they are influencing the witnesses.

In view of the above submission, the informant is given liberty to approach the appropriate forum in this regard.

(Chakradhari Sharan Singh, J)

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