

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1956 of 2019

Arising Out of PS. Case No.-1247 Year-2016 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

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1. Dev Kumari Devi wife of Ram Jatan Rai,
2. Sangita Devi wife of Amarjit Rai
3. Ram Jatan Rai, son of late Baban Ray, all 1 to 3 resident of village
Anandpur, P.S. Tajpur, District Samastipur.

... .. Petitioner/s

Versus

1. State of Bihar
2. Pratima Kumari, wife of Sanjit Rai, R/o village Anandpur, Morwagadh,
P.S. Tajpur, District Samastipur, presently daughter of Vishnudeo Mahto,
resident of village Narepur Bachwara, P.S.-Bachwara, District-Begusarai.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bijay Bhushan Prasad, Advocate
For the Complainant : Mr. Sandip Kr. Goutam, Advocate
For the Opposite Party/s : Mr.Sri Shyam Bihari Singh, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 15-01-2019 Heard both sides.

The petitioners apprehend their arrest in Complaint
Case No.1247C of 2016 registered under Section 498A of the
Indian Penal Code and Section 4 of the Dowry Prohibition Act.

The complainant alleged that the petitioners and
others including her husband subjected to her physical and
mental torture due to non-fulfillment of demand of dowry.

Learned counsel for the petitioners submits that the
petitioners are mother-in-law, sister-in-law and father-in-law of
the complainant. No specific allegation of demand of dowry and
torture has been made against the petitioners. The petitioners



have no manner of concern with the family affairs of the complainant and her husband. The husband of the complainant filed matrimonial suit for restitution of conjugal rights. The complainant also filed a petition under Section 125 of Cr.P.C. for her maintenance against her husband.

On the other hand, the learned counsel for the complainant submits that from perusal of order of learned Sessions Judge, it would appear that the matter was taken up for negotiation and the petitioners had agreed to pay Rs.7 lacs for resolution of dispute between the husband and wife. It is submitted that after accepting the compromise petition of the settlement, the petitioners backed out and, therefore, the petitioners do not deserve anticipatory bail.

It appears that the petitioners are mother-in-law, sister-in-law and father-in-law of the complainant. The complainant and her husband are litigating with each other. The petitioners are not bound to give any money for settlement of dispute.

Taking into consideration the facts and the nature of allegations made against the petitioners and the fact that the petitioners are in-laws of the complainant, the petitioners, above named, in the event of their arrest or surrender before the



learned court below within a period of four weeks from the date of receipt/production of a copy of this order, are directed to be enlarged 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 learned Sub-Divisional Judicial Magistrate, Begusarai in connection with Complaint Case No.1247C of 2016, 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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