

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36464 of 2019

Arising Out of PS. Case No.-166 Year-2018 Thana- DAUDPUR District- Saran

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1. SANJIT KUMAR Son of Jaglal Sah
 2. Anita Kumari Daughter of Jaglal Sah
All above Resident of Village- Sonia, P.S.- Daudpur, District- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satya Prakash

For the Opposite Party/s : Mr.Umesh Lal Verma

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 04-09-2019 The petitioners apprehend their arrest in connection with Daudpur P. S. Case No. 166 of 2018 registered under Sections 307, 323,341 and 498A/34 of the Indian Penal Code and sections 3 and 4 of the Dowry Prohibition Act.

Allegation against the petitioners is that petitioners being Dewar and Nanad of the informant along with co-accused i.e., husband of the informant, pressurised and subjected the informant to cruelty to bring dowry and ousted her from her matrimonial home.

Learned counsel appearing on behalf of the petitioners submits that petitioners are relative of the informant and have unnecessarily been dragged in this case and the allegation against them are general and omnibus in nature in the FIR.



However, relying upon Annexure-P2 of this application, learned counsel submits that petitioners were arrested by the Bihar Police at Delhi and were produced before the Metropolitan Magistrate, New Delhi, who by its order dated 22.02.2019 granted transit bail to the petitioners with liberty that petitioners will move appropriate application for bail before the appropriate court at Bihar on or before 05.03.2019.

Learned counsel for the petitioners further submits that under ill-advice, it appears that anticipatory bail application bearing ABP No. 729 of 2019 has been filed on behalf of the petitioners before the court of learned Sessions Judge at Chapra and the learned Additional Sessions Judge, Chapra vide its order dated 08.04.2019 has rejected the anticipatory bail application on merit.

On the other hand, learned counsel appearing on behalf of the informant vehemently opposes the prayer for anticipatory bail of the petitioners and submits that this anticipatory bail application is not maintainable inasmuch as petitioners were already arrested by the Bihar Police and were produced before the learned Metropolitan Magistrate at Delhi and were granted interim-cum-transit bail to enable them to surrender before appropriate court in Bihar on or before 05.03.2019 but instead



of moving appropriate application for regular bail, petitioners have filed the present anticipatory bail application.

In reply, learned counsel for the petitioners submits that barring technicality, there is social issue involved in this case inasmuch as husband of the informant and other co-accused persons have been granted anticipatory bail by the court below itself in ABP No. 1166 of 2019 as well as by the Hon'ble Court in Cr.Misc. No. 30550 of 2019.

After having heard learned counsel for the parties and taking into consideration the fact that petitioners were already arrested by the police, therefore, there is no apprehension of arrest of the petitioners, hence, the present anticipatory bail application is not maintainable, however, in view of order dated 22.02.2019, let petitioners surrender before the appropriate court within a period of ten days and seek regular bail. The court below, while considering the bail application, will keep it in mind that the husband of the informant and other co-accused persons have already been granted anticipatory bail by the learned Sessions Judge or by this Court.

This application, accordingly, is disposed of.

(Anil Kumar Sinha, J)

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