

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36725 of 2019

Arising Out of PS. Case No.-84 Year-2019 Thana- NAANPUR District- Sitamarhi

1. PUNIT MISHRA, aged about 83 years, Male, Son of Late Namdeo Mishra
2. Sunaina Devi, aged about 79 years, Female, W/o Punit Mishra
3. Swati Kumarim aged about 19 years, female, D/o Raman Mishra
All Resident of Village - Kharka, P.S.- Nanpur, Dist.- Sitamarhi.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Sunil Prasad Singh, Advocate
For the Opposite Party/s	:	Mr.Akhileshwar Dayal, A.P.P.
For the Informant	:	Mr. Krishna Mohan Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 13-06-2019 Heard learned counsel for the petitioners, learned Additional Public Prosecutor for the State and learned counsel representing the informant.

The petitioners are seeking anticipatory bail in connection with Nanpur P.S. Case No. 94/2019 registered under Sections 498A, 313, 34 of the Indian Penal Code and $\frac{3}{4}$ of the Dowry Prohibition Act.

Learned counsel for the petitioners submits that petitioner no. 1 is the grand father, petitioner no. 2 is the grand mother and petitioner no. 3 is the unmarried sister of the husband of the victim lady.

It is submitted that in the first information report there are general and omnibus allegations against all the family



members of demanding dowry and because the dowry was not provided therefore the daughter of the informant has been tortured and her whereabouts is not known.

Learned counsel submits that the allegation that the daughter of the informant was missing is not correct inasmuch as his daughter has appeared and made statement under Section 164 Cr.P.C. It is further stated that considering the relationship of these petitioners and the fact that petitioner nos. 1 & 2 are 83 and 79 years old respectively and petitioner no. 3 is 19 years unmarried sister of the husband, they have been falsely implicated being near relatives, hence they may be granted privilege of anticipatory bail.

Learned counsel for the informant has though appeared and opposed the prayer for anticipatory bail, however it is not in dispute that the allegations are general and omnibus and even in her 164 Cr.P.C. statement the victim has not made any specific statement against these persons.

Considering the facts and circumstances of the case wherein no specific allegations have been levelled against these petitioners and in her 164 Cr.P.C. statement also the victim has not made any specific allegations against these petitioners as also relationship of these petitioners with the husband, their age



etc. this court is inclined to grant anticipatory bail to the petitioners, in the event of their arrest/surrender before the court below within a period of four weeks, let the above-named petitioners be enlarged on bail furnishing bail bond of Rs. 15,000/- (Rupees Fifteen Thousand only) each with two sureties of the like amount each to the satisfaction of learned S.D.J.M. (P), Sitamarhi, in connection with Nanpur P.S. Case No. 84/2019, subject to condition prescribed under Section 438(2) of the Code of Criminal Procedure.

(Rajeev Ranjan Prasad, J)

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