

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54649 of 2018

Arising Out of PS. Case No.-217 Year-2018 Thana- CHANPATIA District- West Champaran

1. Prabha Wati Devi, W/o Sri Rambelas Ram,
2. Dilip Kumar Ram @ Dilip Ram S/o Sri Rambelas Ram,
3. Harendra Ram S/o Late Bahnu Ram @ Banu Ram, All residents of Vill.-
Kharg Pokhariya Mishrauli, P.S.- Chanpatia, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma

For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 11-01-2019 Heard learned Counsel for the petitioners, informant and
learned APP for the State.

Petitioner No.1, being mother, petitioner no.2, being
brother and petitioner no.3, being relative of the husband of the
informant, are apprehending arrest in a case registered for the
offences punishable under Sections 494 and 498A of the Indian
Penal Code and Sections 3/4 of the Dowry Prohibition Act.

Prosecution case is that the informant Shobha Devi married
with Ombabu Ram on 18.04.2011 and subsequently the married
couple blessed with a female child. But subsequently further
dowry demand of a gold chain and cash of rupees one lac was
made and due to non-fulfillment of the same, the informant was
not only tortured, but also driven out from the matrimonial



house after snatching all her belongings. It is further alleged that the husband of the informant has performed second marriage with one Babita Devi and when the informant went to make enquiry and protested for that, the accused persons asked her until the demand of a gold chain and cash of Rupees One Lac is not fulfilled, she will not be allowed to reside in the matrimonial house.

It is submitted by learned counsel for the petitioners that the thrust of accusation is against the husband of the informant. The petitioners have been roped in in the present case simply being the family members and relative of the husband of the informant. The petitioners claim to be separate from the husband of the informant. Moreover, the FIR has been lodged with inordinate delay. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

It is submitted by learned counsel for the informant that there is specific accusation against these petitioners to have tortured the informant for non-fulfillment of dowry demand and husband of the informant has performed second marriage.

Considering the thrust of accusation against the husband of the informant, coupled with statement made in



paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM-VI, West Champaran at Bettiah in connection with Chanpatia P.S. Case No.217 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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