

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44078 of 2019

Arising Out of PS. Case No.-130 Year-2019 Thana- MOUZA HIDPUR District- Bhagalpur

1. Madhu Shankar Sah Wife of Surya Shankar Sah,
 2. Pankaj Prabhakar Son of Surya Shankar Sah
 3. Twinkle Prabhakar @ Twinkle Kumari Wife of Pankaj Prabhakar
- All are resident of Mohalla- Laxmi Narayan Lane, Mirjanhat, P.S.-
Mojahidpur, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : M/s A.K. Thakur and Sheshank Kumar, Advs.

For the Opposite Party/s : Mr. Ganesh Prasad Singh, APP
Mr. Kamendra Pd. Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL ORDER

2 18-07-2019 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

In this case, the petitioners are seeking anticipatory
bail in connection with Mojahidpur P.S. Case No. 130 of 2019
registered for offence punishable under sections 498(A), 307,
324/34 of the Indian Penal Code, 3/4 of the Dowry Prohibition
Act and section 27 of the Arms Act.

It is alleged that the marriage of informant was
solemnized with Bhavesh Kumar in the year 2016 according to
Hindu rites and rituals and at the time of marriage, sufficient
gift was given. After 5-10 days, father-in-law, Surya Shankar



Sah, mother-in-law, Madhu Shankar Sah, (petitioner no.1), Pankaj Prabhakar (petitioner no. 2) and Twinkle Prabhakar @ Twinkle Kumari (petitioner no. 3) started assaulting and torturing the informant and they used to say that her father has given undertaking to give Godrej Almirah, T.V. and money, but did not give it and they asked to bring those things then she will be allowed to stay in their house otherwise she does not have right to stay, they always used to say that they would arrange another marriage of his son and would take dowry, on that account, the informant left her Sasural and started living with her parents at Bari Khanjarpur Masjid Lane, Barari, District-Bhagalpur. Some times, she used to go her Sasural and whenever she entered into inter side, she was abused and assaulted by the family members and they used to say that this house belongs to his elder son and you and your husband have no concern with that property and whenever the father of informant used to visit her Sasural, the father-in-law of the informant and other family members used to abuse and say that he had given undertaking to give the aforesaid materials, but he did not give the same in the marriage, so first he would give the said materials otherwise they would arrange another marriage of his son. They repeatedly tortured the informant, on that



account, she left the house and started living with her husband. On 12.05.2019, the informant along with her husband went to her Sasural to collect her belongings for shifting at Muzaffapur where her husband is working and at that time, her father-in-law came, took out licensee pistol and with a intention to kill fired upon her, caused injury in her back side. He tried second attempt, but by that time, she left the place and she was admitted in Mayaganj Hospital, Bhagalpur where she was under treatment.

The learned counsel for the petitioners submits that there is general and omnibus allegation made against these petitioners, as specific allegation has been made against the father-in-law who has caused fire arms injury to the victim. The father-in-law is in judicial custody.

From the FIR it appears that basically it is a dispute connecting with the house, as family member has communicated that house belongs to his elder son.

Looking to the entirety, facts and circumstances of the case, the prayer for bail of the petitioners is allowed and they, in the event of arrest or surrender before the court below within six weeks from today, are directed to be enlarged on anticipatory bail on furnishing bail bonds of Rs.10,000/- each



with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Bhagalpur in connection with Mojahidpur P.S. Case No. 130 of 2019, subject to the conditions as laid down under section 438 Cr. PC and also subject to the condition that one of the bailors of the petitioners shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court. The petitioners will not induce any witness or tamper with the evidence. The petitioners shall cooperate in the disposal of trial and make themselves available as and when required by the court. Whenever the Police will call the petitioners for the purpose of interrogation/investigation, they would present themselves. If they would fail to respond, their bail will be treated to have been cancelled.

(Shivaji Pandey, J)

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