

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49938 of 2019

Arising Out of PS. Case No.-113 Year-2019 Thana- MAGADH MEDICAL COLLEGE
District- Gaya

-
1. Marwa Devi @ Bhagwa Devi Wife of Ram Sewak Sharma, Resident of Village - Gopibigha, P.S.- Magadh Medical, Distt - Gaya.
 2. Jitendra Sharma Son of Ram Sewak Sharma, Resident of Village - Gopibigha, P.S.- Magadh Medical, Distt - Gaya.
 3. Satyendra Sharma Son of Ram Sewak Sharma, Resident of Village - Gopibigha, P.S.- Magadh Medical, Distt - Gaya.
 4. Laxmi Devi @ Lakshmi Devi Wife of Satyendra Sharma, Resident of Village - Gopibigha, P.S.- Magadh Medical, Distt - Gaya.
 5. Rekha Devi Wife of Jitendra Sharma, Resident of Village - Gopibigha, P.S.- Magadh Medical, Distt - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ramashish
For the Opposite Party/s : Mr.Ajit Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 13-08-2019 Heard learned counsel for the petitioners, learned
counsel for the informant and learned APP for the State.

Petitioners apprehend their arrest in Magadh Medical
P.S. Case No.113 of 2019 registered under Sections 498A, 341,
323, 504, 312 and 34 of the Indian Penal Code.

The informant alleged that she was married to
Upendra Sharma on 20.04.2008 and went to her sasural along
with her husband in the year 2011. After three years, her
husband and her father-in-law, mother-in-law, brothers-in-law
and sisters-in-law began to demand additional dowry and
subjected her to all sorts of physical and mental torture. They



also assaulted her with fists and slaps. She further disclosed that she became pregnant and on account of assault made by the accused persons with fists and slaps, her pregnancy was prematurely terminated and since the Month of June, 2018 she was driven out from her in-laws' house. It is further alleged that the accused persons after hatching conspiracy got her husband married with one Munwa Devi.

Learned counsel for the petitioners submits that the story of assault and abortion is false and concocted. According to the informant herself, she was assaulted and on account of which she was aborted but she did not lodge any case. She was driven out from her in-laws' house in June, 2018 but the informant lodged the case on 30.05.2019. The petitioners are mother-in-law, brothers-in-law and sisters-in-law of the informant.

On the other hand, learned counsel for the informant vehemently opposed the prayer for anticipatory bail of the petitioners and submitted that there is specific allegation that all the petitioners brutally assaulted the informant while she was carrying pregnancy and on account of such assault, her pregnancy was prematurely terminated.

It appears from the allegations made by the informant



that she went to her sasural in the year 2011. She was carrying pregnancy and she was assaulted on account of which her pregnancy was said to have been terminated but she did not lodge any case. She was driven out from her in-laws' house in the month of June, 2018. Even thereafter she did not lodge any case. She further alleged that the accused persons got her husband married with one Munwa Devi and only thereafter she lodged the case on 30.05.2019.

Having considered the facts aforesaid and the fact that the petitioners are mother-in-law, brothers-in-law and sisters-in-law of the informant, the above named petitioners, 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 A.C.J.M.-IV, Gaya in connection with Magadh Medical P.S. Case No.113 of 2019, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

Harish/-

U		T	
---	--	---	--

