

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51258 of 2019

Arising Out of PS. Case No.-4 Year-2019 Thana- MAHILA P.S. District- Sitamarhi

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DHARMRAKSHIT VIDYARTHI Son of Late Prabhu Narayan Vidyarthi
Resident of AE-61, Ashok Ashram, Dibdih, PS-Doranda, District-Ranchi
(Jharkhand).

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Sudeshna Vidyarthi W/o Pragya Rakshit Vidyarthi Resident of Qtr. No.140,
Harmu Housing Colony Ranchi, PS-Algora, District-Ranchi (Jharkhand) at
present D/o R.C. Prasad, R/Mohalla Purani Exchange Road, Sitamarhi
Town, PS-Sitamarhi, District-Sitamarhi.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Amresh Kumar Sinha
For the Opposite Party/s : Mr.Sunil Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 17-08-2019 Heard the learned counsel for the petitioner, the
learned APP and the learned counsel for the informant. The
informant is also present in court.

The petitioner apprehends his arrest in Mahila P.S.
case No. 4 of 2019 registered under Section 498A/34 of the IPC.

The informant alleged that she was married to
Pragyarakshit Vidyarthi on 24.11.2003 but her husband,
brothers-in-law and sisters-in-law and other relatives of her
husband demanded Rs. 50 lakhs and a four wheeler vehicle. The
informant went to her Sasural but they continued their demand
and subjected her to all sorts of torture. She further alleged that
she went to U.S.A. with her husband and she gave birth to two
children but her husband boarded her to an airplane bound to
India. Her husband is earning Rs. 8 lakh per month. She further
disclosed that on 28.05.2017 her in-laws brutally assaulted her
and drove her out from the house and she came to her Naihar.



On 10.02.2019 her brother-in-law (Bhainsur), the petitioner, and her sister-in-law, Rina Vidyarthi, along with others came and asked her to withdraw her application before Women Commission and thereafter they abused and threatened the informant and her parents.

The learned counsel for the petitioner submits that informant was married with the brother of the petitioner in the year 2003 but she never complained any ill treatment at the hands of her in-laws. She was leading a happy conjugal life with her husband and she begot two children who are living in U.S.A along with their parents. The informant came to India and lodged this case only on 19.02.2019 making allegation that petitioner and his wife had gone to the house of the informant and her parents and they abused and threatened the informant and her parents if the petition before the Women Commission is not withdrawn.

The learned counsel for the informant and the informant vehemently opposed the prayer for anticipatory bail and submitted that husband of informant does not allow her to talk to her children. She is suffering from cancer but her husband do not take care of her. The petitioner is the guardian of the family. The informant made fervent request but the petitioner did not pay any heed to the grievance of the informant.

It appears from perusal of the FIR that petitioner is elder brother of the husband of informant. Although the informant made allegation of demand of dowry and torture against her husband and other in-laws but she never lodged the case on account of such demand of dowry and torture after her marriage and before institution of the present case. In the present



case she only made allegation against the petitioner that petitioner along with others went to her Naihar and abused and threatened her as well as her parents.

Considering the facts aforesaid and nature of allegation made against the petitioner, the petitioner, above named, in the event of his arrest/ surrender before the court below within a period of four weeks from the date of receipt/ production of a copy of this order is directed to be enlarged on bail on his furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi in connection with Mahila P.S. case No. 4 of 2019, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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