

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)  
CRIMINAL MISCELLANEOUS No.5962 of 2020**

Arising Out of PS. Case No.-64 Year-2018 Thana- MADHUBANI COMPLAINT CASE  
District- Madhubani

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1. BARUN MISHRA @ BARUN KUMAR MISHRA Son of Late Shyam Mishra Resident of Village - Brahampur, P.S.- Phulparas, District - Madhubani.
  2. Ranju Devi Wife of Barun Mishra @ Barun Kumar Mishra Resident of Village - Brahampur, P.S.- Phulparas, District - Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Archana Devi Wife of Rajesh Mishra @ Rajesh Kumar Mishra Resident of Village - Penta, P.S.- Phulparas, District - Madhubani.

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Gagan Deo Yadav, Advocate  
For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD  
ORAL ORDER**

5      12-11-2020                      Heard learned counsel for the petitioners and Mr. Akhileshwar Dayal, learned APP for the State.

Earlier notice was sent to the complainant/opposite party no. 2 but the said notice has been returned unserved with a report that the house of opposite party no. 2 has been found locked and she is residing somewhere else. In such circumstances, learned counsel for the petitioners has prayed for hearing of the matter as according to him he has no other address of opposite party no. 2 and in the present days pandemic situation it is not possible to serve her through any other mode.



Learned counsel submits that so far as these two petitioners are concerned, they are seeking pre-arrest bail in connection with C.R. Case No. 64/2018 registered for the offences punishable under Sections 323, 498(A), 379, 504 of the Indian Penal Code and  $\frac{3}{4}$  of D.P. Act.

Learned counsel submits that they are the father-in-law and mother-in-law respectively of the complainant. From the complaint petition itself it will appear that the complainant had a love marriage with co-accused Rajesh Kumar Mishra. It is alleged that after the said love marriage in a 'Mandir' the father of the complainant came to know that his daughter has been abducted, he lodged a case being Fulparas P.S. Case No. 322/2016, thereafter the victim girl was recovered and her statement was recorded under Section 164 Cr.P.C. She expressed her desire to live with her husband in her Sasural whereupon she was allowed to go with her husband.

Learned counsel has shown from the complaint petition that according to the complainant everything was going well in her Sasural and both the parties were behaving well with each other. The complainant went to Delhi with her husband and when she returned the accused persons told her that she belonged to a low caste and if she wanted to live as daughter-in-



law in the house then she would be required to bring two lakhs in cash and a motorcycle. Learned counsel submits that the entire allegations have been made at this stage as an afterthought. The allegations are false and baseless as also vague and it seems that after the love marriage when a matrimonial discord took place between husband and wife these petitioners have been involved as kith and kin of the husband.

Learned A.P.P. for the State has though opposed the prayer for anticipatory bail of the petitioners but considering the facts and circumstances of the case wherein these petitioners are said to be the father-in-law and mother-in-law respectively and in the complaint petition itself it is clearly stated that the complainant had gone with her husband at Delhi and she was living there as both of them were working as labourer and initially everything was fine at home after the year 2016, the kind of allegations have been made after two years of the love marriage, this Court is inclined to grant privilege of anticipatory bail to the petitioners, let the petitioners above-named, in the event of their arrest or surrender within a period of four weeks from today in connection with C. R. Case No. 64/2018, be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount



each to the satisfaction of learned S.D.J.M., Jhanjharpur, Madhubani, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner.

**(Rajeev Ranjan Prasad, J)**

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

