

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11881 of 2020

Arising Out of PS. Case No.-187 Year-2019 Thana- MITHANPURA District- Muzaffarpur

1. Abha Rani D/O Anil Kumar Tripathi Resident of Jai Prakash Path, Road No 11(C/O L.P. Srivastava Shastri Nagar Malighat P.S. Mithanpura , District Muzaffarpur , Permanent Address - Bokaro Steel City Quarter No. -1-229 Sector 2/B , P.S. - City Police Station - Bokaro, District - Bokaro.
2. Usha Devi Wife of Anil Kumar Tripathi Resident of Jai Prakash Path, Road No 11(C/O L.P. Srivastava Shastri Nagar Malighat P.S. Mithanpura District Muzaffarpur, Permanent Address - Bokaro Steel City Quarter No. -1-229 Sector 2/B , P.S. City Police Station - Bokaro, District- Bokaro.
3. Anil Kumar Tripathi Son of Late Barmeshwar Dayal Tripathi Resident of Jai Prakash Path, Road No 11(C/O L.P. Srivastava Shastri Nagar Malighat P.S. Mithanpura District Muzaffarpur Permanent Address - Bokaro Steel City Quarter No. -1-229 Sector 2/B , P.S. City Police Station , Bokaro, District - Bokaro.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Adv.
For the Opposite Party/s : Mr. Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 08-10-2020 Heard learned counsel for the petitioners and
learned APP for the State through video conferencing.

The instant application for anticipatory bail has been filed by the petitioners apprehending their arrest in connection with Mithanpura P.S. Case No. 187 of 2019, registered under sections 498A, 341, 323, 506 and 34 of the Indian Penal Code and sections 3 and 4 of the Dowry Prohibition Act.



As per allegation in the F.I.R., the daughter of the informant was married to the son of petitioner nos.2 and 3. It is stated that she was tortured by the accused persons for which on an earlier occasion she has lodged a case. Thereafter, it is stated that the informant's daughter and son-in-law were residing in a rented premises of one L.P. Srivastava in Muzaffarpur where the informant's son-in-law was working as a teacher in a school. It is stated that on 10.5.2019, on going to meet her daughter, the informant found her missing. Thereafter it is stated that on again going to her place on 1.9.2019, she was still not to be found.

It is submitted by learned counsel for the petitioners that the petitioner no.1 happens to be the unmarried sister-in-law of the informant's daughter. Petitioner nos. 2 and 3 are the mother-in-law and father-in-law of the informant's daughter. It is submitted that while the petitioner no.1 is a Branch Manager in Bank of Baroda in Gujarat, after his retirement from the Bokaro Steel City, the petitioner no.3 has been residing along with his wife in Bokaro with their younger son. The informant's daughter and son-in-law were residing in Muzaffarpur, where on disappearance of the informant's daughter, the son of the petitioner nos.2 and 3 had filed a *sanha* (Annexure-2) in the concerned police station and had filed



another representation before the I.G. of Police, Muzaffarpur as contained in Annexure-3.

It is submitted that the application for anticipatory bail of the son-in-law of the informant is pending.

The application for bail has been opposed by learned APP for the State who submits that the daughter of the informant has still not been traced.

Case diary called for in the case, has been received.

Having heard learned counsel for the parties and taking into consideration the submissions made on behalf of the petitioners together with their relationship, the Court is inclined to enlarge the petitioners on bail. The petitioners are directed to surrender in the Court below within a period of eight weeks from today and in the event of their arrest or surrender in connection with Mithanpura P.S. Case No. 187 of 2019, they will be enlarged on bail on furnishing bail bond of R.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M. East, Muzaffarpur, subject to the conditions as laid down in section 438(2) of Criminal Procedure Code.

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(Partha Sarthy, J)

