

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.6325 of 2020**

Arising Out of PS. Case No.-201 Year-2019 Thana- MOTIHARI MUFASIL District- East
Champaran

-
1. SHAMBHU GIRI Son of Rajdeo Giri Resident of Village- Basmanpur, P.O.- Pataura, Pataura Lala Tola, P.S.- Muffasil, District- East Champaran.
 2. Shakuntala Devi Wife of Shambhu Giri Resident of Village- Basmanpur, P.O.- Pataura, Pataura Lala Tola, P.S.- Muffasil, District- East Champaran.
- Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Pravin Kumar, Advocate
For the Opposite Party/s : Mr.Mukeshwar Dayal, APP

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

5 02-09-2020 Heard learned counsel for the petitioners and Mr.
Mukeshwar Dayal, learned APP for the State.

Petitioners, in the present case, are seeking pre-arrest bail in connection with Muffasil P.S. Case No. 201/2019 registered for the offence under Sections 341, 323, 307, 504/34 of the Indian Penal Code and $\frac{3}{4}$ of the Dowry Prohibition Act.

Learned counsel for the petitioners submits that the son of these petitioners had solemnized a love marriage with the informant. So far as these petitioners are concerned they had been living separately and had nothing to do with the informant in daily life. Learned counsel for the petitioners submits that the husband is already in jail.

On the other hand learned APP for the State has



opposed the prayer for anticipatory bail of the petitioners. It is submitted that in fact the allegations against these petitioners are specific. The informant is the injured and her statement that she was assaulted by the accused persons find support from the injury report mentioned in paragraph '35' of the case diary. The doctor in the Sadar Hospital, Motihari has noticed three injuries on the body of the informant, though those are simple in nature.

Having regard to the facts and circumstances of the case wherein it is submitted that these petitioners are living separately and in the case diary no independent witness has come forward to support the allegation of demand of dowry against these petitioners, though injury are there but simple in nature and the husband is already in custody, 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 four weeks from today, be released on bail on furnishing of bail bonds of Rs. 25,000/- (Twenty Five Thousand only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran, in connection with Muffasil P.S. Case No. 201/2019, 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.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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

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'.

