

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8854 of 2020

Arising Out of PS. Case No.-84 Year-2019 Thana- MAHILA P.S. District- Patna

AKANKSHA KUMARI W/o Dushyat Shekhar Resident of Village -
Harishankar Maniyari, P.O.- Silaut, P.S.- Maniyari, Dist.- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Niharika D/o Suresh Kumar Singh Resident of Village - and P.O. - Maner (Sherpur), P.S.- Maner, Distt.- Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Sinha
For the Opposite Party/s : Mr.Syed Mojibur Rahman

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 02-07-2020 The present case was heard on 30.06.2020 at length and today it has been placed before this Court under the heading 'For Orders'.

The petitioner apprehends her arrest in connection with Patna (Danapur) Mahila P.S. Case No. 84 of 2019 for the offence registered under Sections 498(A), 337, 504, 34 ad 324 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

The case of the prosecution in brief is that the marriage of the informant was solemnized with one Avinash Anand according to Hindu rites and rituals. It is alleged that the petitioner herein, who is the sister-in-law of the victim girl, used



to instigate the husband of the informant to demand a Honda City (top model) car and also used to torture the informant and beat her mercilessly. It is further alleged that on 20.02.2019 at about 8:00 p.m. when the informant reached near the room of her husband, she saw her sister-in-law i.e. the petitioner herein and her husband in a compromising position and when she protested she was beaten by them and the petitioner herein is alleged to have thrown boiled water on her face resulting in injuries on her face.

The learned counsel for the petitioner has submitted that the falsity of the prosecution case is apparent from the fact that in the complaint made before the Officer In-Charge concerned, the victim girl/informant has stated that the incident had taken place at about 8:00 p.m. on 20.12.2019 whereas the medical report annexed by the informant to her written report shows that she has got herself treated at 12:00 in the afternoon on 20.02.2019. It is submitted that there is no evidence on record to connect the petitioner with the alleged occurrence and the present prosecution has been launched by the informant in retaliation to the matrimonial case filed on 26.04.2019 under Section 13(1)(1a) of the Hindu Marriage Act, by the brother of the petitioner, who is the husband of the Opposite Party No. 2



i.e. the informant. It is also submitted by the learned counsel for the petitioner that the allegation levelled against the petitioner herein of having thrown boiled water on the informant would at best attract Section 337 of the Indian Penal Code which in any case is bailable.

Per contra, the learned A.P.P. for the State as also the learned counsel appearing for the informant have vehemently opposed the prayer for bail and have submitted that there is ample material in the case diary to suggest the complicity of the petitioner in the alleged crime.

I have heard the learned counsel for the parties and perused the materials on record as also those available in the case diary. It is apparent from the statement of the witnesses recorded by the Police as also the investigation made by the Police, that though the husband of the informant namely Avinash Anand appears to be responsible for harassing, torturing and ousting the informant from his home, there is miniscule evidence qua the petitioner herein, hence the benefit of doubt can be extended to the petitioner herein for the purposes of grant of anticipatory bail. Thus, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

Accordingly, the petitioner, above named, is directed to



be released on anticipatory bail in the event of her arrest/surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Patna in connection with Patna (Danapur) Mahila P.S. Case No. 84 of 2019 subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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