

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8365 of 2020

Arising Out of PS. Case No.-427 Year-2018 Thana- GOPALGANJ COMPLAINT CASE
District- Gopalganj

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1. KAUSHALYA DEVI @ SUSHILA DEVI @ SOSHILA KUNWAR Wife of Late Mishri Das (Formerly wife of Late Lalan Das) Resident of Village - Jhajhwa, P.S. - Sidhwalia, District - Gopalganj.
 2. Birodh Das @ Biroj Das Son of Late Mishri Das (wrongly stated as son of Late Lalan Das) Resident of Village - Jhajhwa, P.S. - Sidhwalia, District - Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Arbina Devi Wife of Awadhesh Das Resident of Village - Jhajhwa, P.S. - Sidhwalia, District - Gopalganj. Presently residing at daughter of Shiv Shankar Mahto, Village - Kudiyapur, PS- Badhariya, District - Siwan.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Pandey No.5
For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 23-06-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel appearing for the petitioners and Mrs. Anita Kumari Singh, the learned APP appearing for the State.

The petitioners apprehend their arrest in connection with Complaint Case No. 427/ 2018 (Trial No. 2770 of 2018) for the offence punishable under Sections 498(A) of the Indian Penal Code .



The allegation is regarding the marriage of the complainant having been solemnized with Awadhesh Das on 15.06.2007 as per Hindu rites and customs, whereafter a son and a daughter were born out of the said wedlock, however, the accused persons including the petitioners herein, who are the mother-in-law and brother-in-law of the victim lady used to physically and mentally torture the victim lady on account of non-fulfilment of demand for dowry and finally on 17.08.2016, she was assaulted, her belongings were snatched and she was ousted from her matrimonial home by the accused persons.

The learned counsel for the petitioners has submitted that the petitioners are innocent, they have been falsely implicated in the present case and are having a clean antecedent. It is further submitted that if at all any one has complicity in the matter, it might be the husband of the victim lady. It is further submitted that the petitioners are ready to ensure surrender of the husband of the victim lady before the learned court below, hence they be granted the privilege of anticipatory bail, subject to them producing surrender certificate of the husband of the victim lady.

The learned A.P.P. appearing for the State has vehemently opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the



case, considering the fact that the petitioners are the mother-in-law and brother-in-law of the victim lady as also taking into account the undertaking given by the learned counsel for the petitioners, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail, subject to their surrendering before the learned court of Additional Chief Judicial Magistrate VI, Gopalganj in connection with Complaint Case No. 427 of 2018 (Trial No. 2770 of 2018) within a period of two weeks from today and producing the proof of surrender of the husband of the victim lady as also upon such condition as may be deemed fit and proper to be imposed by the learned court below.

It is made clear that in case the petitioners do not surrender before the learned court below and produce the surrender certificate of the husband of the deceased victim lady, within a period of two weeks from today, the present privilege of anticipatory bail being extended to the petitioners shall stand revoked automatically and the petitioner would be liable to be taken into custody.

The petition stands disposed of with the aforesaid directions.

(Mohit Kumar Shah, J)

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