

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10421 of 2020

Arising Out of PS. Case No.-29 Year-2019 Thana- MADHEPUR District- Madhubani

Shobha Devi @ Sobha Devi, aged about 35 years, Gender – Female, Wife of
Chandra Shekhar Sahu @ Chandra Shekhar Sah, Resident of Village -
Nawada, Police Station - Madhepur, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivnandan Bharti

For the Opposite Party/s : Mrs. Sangeeta Sharma

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 18-06-2020 Heard Mr. Shivnandan Bharti, learned counsel for the
petitioner, Mr. Shailendra Kumar Jha, learned counsel for the
informant and Mrs. Sangeeta Sharma, learned Additional Public
Prosecutor appearing for the State through video conferencing.

The petitioner apprehends her arrest in connection
with Madhepur P.S. Case No. 29 of 2019 corresponding to G.R.
No. 313 of 2019 registered for the offence punishable under
Section 498(A), 494, 323, 341, 504, 506/34 of the I.P.C.

The allegation against the petitioner is that the
marriage of the informant was solemnized with one Chandra
Shekhar Sahu on 08.05.2009 and just after marriage the
husband of the informant demanded a sum of Rs. 1,00,000/- as
dowry and due to non- fulfillment of the demand, the informant



was tortured mentally and physically and was ousted from her matrimonial home. It has further been alleged that the husband of the informant has performed second marriage with Shobha Devi, who is having two children from before.

Learned counsel for the petitioner submits that from perusal of the First Information Report no offence, much less any offence under Section 498 (A) of the I.P.C. is made out against the petitioner. Learned counsel further submits that only allegation against the petitioner is that the petitioner allegedly entered into marriage alliance with the husband of the informant.

On the other hand, learned counsel for the informant vehemently opposes the prayer of anticipatory bail and submits that petitioner knowingly has married with the husband of the informant and accordingly, she does not deserve the privilege of anticipatory bail.

Having regard to the submissions made by the parties and taking into consideration the fact that there is no specific allegation against the petitioner of torture or assault and the petitioner has allegedly married with husband of the informant, I am inclined to grant anticipatory bail to the petitioner.

Accordingly, in the event of arrest or surrender before



the court below within six weeks from today, petitioner, above named, shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Sri A.S. Prasad, Judicial Magistrate 1st, Jhanjharpur /concerned court in connection with Madhepur P.S. Case No. 29 of 2019 corresponding to G.R. No. 313 of 2019 , subject to the condition as laid down under Section 438 (2) of the Code Of Criminal Procedure.

It is made clear that at the time of furnishing bail bond all the parties shall follow the guidelines regarding lockdown and social distancing.

(Anil Kumar Sinha, J)

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