

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16920 of 2020

Arising Out of PS. Case No.-54 Year-2019 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

-
1. GANGA SHARAN YADAV S/O- Ramotar Yadav @ Fauji yadav Resident of Village Sibaul, P.S. - Bisfi, O.P. - Patauna, District - Madhubani, Bihar -847304.
 2. Veena Devi W/O- Ganga Sharan Yadav Resident of Village Sibaul, P.S. - Bisfi, O.P. - Patauna, District - Madhubani, Bihar -847304.
 3. Rajesh Kumar Yadav @ Rajesh Yadav @ Babaji S/O- Ganga Sharan Yadav Resident of Village Sibaul, P.S. - Bisfi, O.P. - Patauna, District - Madhubani, Bihar -847304.
 4. Sima Devi @ Sima Kumari W/O- Rajesh Kumar Yadav @ Babaji Resident of Village Sibaul, P.S. - Bisfi, O.P. - Patauna, District - Madhubani, Bihar -847304.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Samol Kumari Wife of Late Arun Kumar Yadav Resident of Village- Sibaul, Post- Rathaus, P.S- Bisfi, District- Madhubani, Bihar-847122.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar @ Manu
For the Opposite Party/s : Mr.Rajendra Nath Jha

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 10-07-2020 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 for the petitioners,
Shri Saroj Kumar, the learned counsel for the informant and
Shri Rajendra Nath Jha, the learned APP appearing for the State.

The petitioners apprehend their arrest in



connection with Complaint Case (C.R.) No. 54 of 2019 for the offence punishable under Sections 498A of the Indian Penal Code .

The allegation is regarding the death of the husband of the complainant having taken place on 24.05.2015, however, subsequently the accused persons i.e. the petitioners herein, who are the father-in-law, mother-in-law, brother-in-law and sister-in-law of the complainant, are alleged to have been harassing the complainant and her children as also have forcibly thrown the complainant and her children out of her matrimonial home, without providing for any sort of maintenance to the complainant.

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 the petitioners are ready to keep the complaint and her children with due honour and dignity as also are ready to give her share in the property, as such this Court may consider granting them the privilege of anticipatory bail.

The learned counsel for the informant and the learned A.P.P. appearing for the State have vehemently opposed



the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioners and taking into account the fact that the petitioners are ready to keep the complainant and her children with due honour and dignity, I deem it fit and proper to grant liberty to the petitioners to surrender before the learned court below within a period of four weeks from today, whereupon the learned court below shall grant the privilege of provisional bail to the petitioners, on the very same day, upon such conditions as may be deemed fit and proper to be imposed by the learned court of A.C.J.M., Benipatti at Madhubani in connection with Complaint Case (C.R.) No. 54 of 2019. It is further directed that the learned court below shall then summon the complainant and engage the petitioners and the complainant in mediation proceedings with a view to settle the dispute amongst them amicably. It is also directed that the learned court below shall take a final call with regard to either confirming the provisional bail to be granted to the petitioners or revoking the same, after receipt of the outcome of the mediation proceedings as also upon an independent application of mind, without being prejudiced by the order passed by the learned court below



earlier, rejecting the anticipatory bail petition of the petitioners herein.

It is also directed that for a period of four weeks from today, no coercive steps shall be taken against the petitioners herein in connection with Complaint Case (C.R.) No. 54 of 2019, pending before the learned court of A.C.J.M., Benipatti at Madhubani .

The present petition stands disposed of with the aforesaid directions.

(Mohit Kumar Shah, J)

Tiwary/-

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

