

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15259 of 2020

Arising Out of PS. Case No.-5 Year-2020 Thana- BANGAWON District- Saharsa

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1. Shambhu Nath Khan, aged about 65 years, Male, Son of Late Gangadhar Khan, Resident of Village- Bangaon, P.S.- Bangaon, District- Saharsa.
 2. Manju Devi, aged about 62 years, Female, Wife of Shambhu Nath Khan, Resident of Village- Bangaon, P.S.- Bangaon, District- Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Naina Devi, Wife of Rakesh Kumar Niraj, Daughter of Shambhu Kant Jha, Resident of Village- Bangaon, P.S.- Bangaon, District- Saharsa. At present residing at the house of her father namely Shambhu Kant Jha, Mohalla- Tiwary Tola, P.S. + District- Saharsa.

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr. Ramakant Sharma, Senior Advocate
For the State	:	Mr. Ajay Kumar No. 2, APP
For the Informant	:	Mr. Ashok Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 06-10-2020 Heard Mr. Ramakant Sharma, learned Senior Counsel for the petitioners, Mr. Ajay Kumar No.2, learned Additional P.P. and Mr. Ashok Kumar, learned counsel appearing on behalf of the informant through video conferencing.

The petitioners apprehend their arrest in Bangaon P.S. Case No.05 of 2020, registered under Sections 341, 323, 379, 498(A), 504 and 506 of the Indian Penal Code and under Sections $\frac{3}{4}$ of the Dowry Prohibition Act.

The informant, Naina Devi alleged that she was married with Rakesh Kumar Neeraj on 05.03.2017 and her



second marriage (Duragaman) was performed on 07.12.2017. She was blessed with a son on 24.02.2018. When she went to her in-laws house, her father-in-law, mother-in-law and husband started subjecting her to physical and mental torture due to non-fulfillment of demand of dowry. She further alleged that her father-in-law, mother-in-law and husband used to beat her by *lathi*, *danda* and they also threatened her to kill if Rs.5,00,000/- is not paid. On 12.01.2020, the accused persons assaulted her but in the meantime, her father came, saved her and brought her to the hospital.

Mr. Ramakant Sharma, learned Senior Counsel for the petitioners submits that the petitioners are father-in-law and mother-in-law of the victim. The informant made omnibus and general allegation of demand and torture. The informant did not make any specific allegation of assault against the petitioners. The petitioners were not present in the house on the date of occurrence. The husband of the informant is an engineer and he is employed in Madhepura in District Health Society on contract. It is further submitted that during the course of investigation, the father and mother of the informant in para 10 and 11 of the case diary specifically stated that on 12.01.2020, the husband of the informant, opposite party no.2, assaulted her.



From perusal of the injury report, it would appear that the informant got as many as five injuries out of which only injury found on both forearms were opined to be grievous on account of fracture. Injuries no.3 and 4 are old healing abrasion. The informant in her further statement also did not make any specific allegation against the petitioners. Petitioner no.1 is a retired army personnel and the petitioners are about 70 years old.

The learned Additional P.P. as well as the learned counsel for the informant vehemently opposed the prayer for anticipatory bail.

Perused the records. The informant, daughter-in-law of the petitioners, made allegation against the petitioners that they also subjected her to physical and mental torture due to non-fulfillment of demand of dowry but it appears that the informant did not make any specific allegation of assault against the petitioners in her *fardbeyan* on the basis of which the present FIR is lodged. The father and mother of the informant respectively in para 10 and 11 of the case diary disclosed that when her daughter was being assaulted, they were informed by the villagers and when the father of the informant arrived at the place of occurrence, the villagers disclosed that the husband of his daughter was assaulting his daughter.



Taking into consideration the facts that the petitioners are not the assailants of their daughter-in-law and they are father-in-law and mother-in-law of the informant, let petitioners, above named, in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt of the order, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-I, Saharsa in connection with Bangaon P.S. Case No.05 of 2020, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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