

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14589 of 2020

Arising Out of PS. Case No.-937 Year-2019 Thana- BIHTA District- Patna

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1. GANESH KUMAR @ GANESH KUMAR GUPTA Son of Baskit Sao Resident of Village- Lai, Post- Lai, P.S.- Bihta, District- Patna.
 2. Sita Devi Wife of Baskit Sao Resident of Village- Lai, Post- Lai, P.S.- Bihta, District- Patna.
 3. Sunita Devi Daughter of Baskit Sao and Wife of Late Ajay Prasad Gupta Resident of Mohalla- Choti Badalpura, P.S.- Khagaul, District- Patna.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR Bihar
2. Prabha Devi Wife of Santosh Kumar Gupta and Daughter of Late Baldeo Prasad Resident of Village- Lai, Post- Lai, P.S.- Bihta, District- Patna. Presently residing at her Naihar Village- Bikram, P.O. and P.S.- Bikram, District- Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Praveen Kumar
For the Opposite Party/s :	Mr.Sanjay Kumar
	Mr. Ashok Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 03-07-2020 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 and Mr. Ashok Kumar, the learned APP for the State.

This is an application for grant of anticipatory



bail in connection with Bihta P.S. Case No. 937 of 2019 registered for the offence punishable under Sections 341, 323, 324, 498(A), 504, 506 and 34 of the Indian Penal Code.

The case of the prosecution is that the marriage of the informant was solemnized with one Santosh Kumar Gupta, 12 years ago and subsequently, she was being subjected to cruelty, abuse and assault, after birth of a female child and on account of non-fulfillment of the demand for dowry. It is further alleged that the accused persons had tried to kill her at 8:00 PM on 10.10.2019 by pouring kerosene oil on her body, however, she managed to flee away from her matrimonial home.

The learned counsel for the petitioners has submitted that the petitioner no. 1 is the brother-in-law, petitioner no. 2 is the mother-in-law and petitioner no. 3 is the sister-in-law of the victim lady. It is further submitted that earlier also on the very same set of allegations, the informant of this case has lodged a police case bearing Bihta P.S.



Case No. 1077 of 2018 wherein all the accused persons including the petitioners have been granted the privilege of bail. It is further submitted that as far as the petitioners are concerned, they are having no complicity in the matter and if at all anyone is having any complicity in the matter, it might be the husband of the informant.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioners as also taking into account the fact that the petitioners are in-laws of the victim lady, they have already been granted bail in another case filed by the informant of the present case, on same and similar set of allegations, I deem it fit and proper to admit the petitioners to the privilege of anticipatory bail.

Accordingly, the petitioners are directed to be enlarged on anticipatory bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of



receipt/production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned ACJM I, Danapur in connection with Bihta P.S.Case No. 937 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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