

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.20670 of 2020**

Arising Out of PS. Case No.-291 Year-2019 Thana- DIGHWARA District- Saran

CHHATHIYA DEVI Wife of Rajnath Sharma @ Rajanath Sharma Resident of  
Village - Tujarpur, P.S.- Khaira, District- Saran at Chapra

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Juhi Kumari Sharma Wife of Samendra Sharma, D/O- Late Suresh Kumar Sharma Resident of Village - Tujarpur, P.S.- Khaira, District- Saran at Chapra. At present Address - Sitalpur, P.S.- Dighwara, District- Saran at Chapra

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Rajani Kumari  
For the Opposite Party/s : Mr.Rina Sinha

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

2      15-07-2020                      The Court proceeding has been conducted through  
virtual mode.

Since the physical Court is not functional due to the  
present pandemic, Covid-19, the matter has been listed with  
defects.

Learned counsel for the petitioner undertake to  
remove the defects within a period of three weeks on  
resumption of physical court proceeding.

In case of non-removal of the defects within the  
undertaken period, the office will place the matter before the  
bench.

Heard learned counsel for the petitioner and learned



APP for the State.

The petitioner, being the mother of the husband of the informant apprehends arrest in a case registered for the offences punishable under Sections 498A, 379, 366, 323 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

Initially, the prosecution case got initiated with filing of Complaint Case No.12752 of 2019, which came to be registered as police case, being Dighwara P.S Case No.291 of 2019, after its being transferred under Section 156(3) of the Code of Criminal Procedure.

The prosecution case as per the complaint petition is to the effect that the complainant was married with Samendra Sharma, the son of the petitioner on 06.12.2014. Subsequently, further dowry demand of Rupees Four lac was made and due to non-fulfillment of the same, torture was inflicted upon the informant. Ultimately, 04.08.2019, the accused persons after snatching all the belongings from the informant driven her out from the matrimonial house. It is also alleged that the husband of the informant has illicit relationship with one Pammi.

It is submitted by learned counsel for the petitioner that the accusation is omnibus and general and the thrust of accusation is against the husband of the informant. A statement



has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State submits that the petitioner is named in the FIR.

Considering the thrust of accusation against the husband of the informant, the accusation being omnibus and general coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the petitioner above named be released on anticipatory bail for the present provisionally for a period of three months, in the event of arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing one surety to the satisfaction of the learned CJM, Saran at Chapra, in connection with Dighwara P.S. Case No. 291 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C

However, in view of the present pandemic, COVID-19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy of his Aadhar Card, to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.



The provisional bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties, including one surety given at the time of provisional bail, of the like amount each to the satisfaction of the learned CJM, Saran at Chapra, in connection with Dighwara P.S. Case No. 291 of 2019.

The learned Court below will further be at liberty to extend the period of provisional anticipatory bail further if the court proceeding in physical mode will not resume in next three months.

Accordingly, the present application stands disposed of.

**(Dinesh Kumar Singh, J)**

Ashwini/-

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