

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17899 of 2020

Arising Out of PS. Case No.-2410 Year-2019 Thana- GOPALGANJ COMPLAINT CASE
District- Gopalganj

-
1. Hemanti Kumari D/o Dwarika Yadav Resident of Village - Pethanpatti, P.S.-
Manjhagard, Distt - Gopalganj.
 2. Jitendra Yadav Son of Dwarika Yadav Resident of Village - Pethanpatti, P.S.-
Manjhagard, Distt - Gopalganj.
 3. Kalindi Devi Wife of Jitendra Yadav Resident of Village - Pethanpatti, P.S.-
Manjhagard, Distt - Gopalganj.
 4. Krimta Kumari D/o Dwarika Yadav Resident of Village - Pethanpatti, P.S.-
Manjhagard, Distt - Gopalganj.
 5. Sunita Devi Wife of Chhotelal Yadav, D/o Dwarika Yadav Resident of
Village - Pethanpatti, P.S.- Manjhagard, Distt - Gopalganj.
 6. Suganti Devi Wife of Ranjan Yadav, D/o Dwarika Yadav Resident of Village
- Pethanpatti, P.S.- Manjhagard, Distt - Gopalganj.

... .. Petitioners

Versus

1. The State of Bihar
2. Deepmala Devi Wife of Dharmendra Yadav, D/o Sri Kamal Yadav Resident
of Village - Arna, P.S.- Uchakagaon, Distt - Gopalganj.

... .. Opposite Parties

Appearance :

For the Petitioners	:	Mr. Sharda Nand Mishra, Adv. Mr. Rajiv Ranjan, Adv.
For the Opposite Parties	:	Mr. Kumar Veerendra Narayan, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 16-09-2020 Heard learned counsel for the petitioners and

learned APP for the State through video conferencing.

The instant application for anticipatory bail has
been filed by the petitioners apprehending their arrest in
connection with complaint Case No.2410 of 2019 (Trial
No.2394 of 2020) registered under sections 498A, 406, 147, 149



and 120B of the Indian Penal Code and sections 3 and 4 of the Dowry Prohibition Act.

By order dated 20.12.2019 (Annexure-2) cognizance was taken only under section 498A of the Indian Penal Code.

As per allegation in the complaint, the complainant was married to Dharmendra Yadav in the year 2019 and various articles had been given by way of gift. It is stated that the accused persons including the petitioners herein started to torture the complainant for demand of dowry of Rs.2 lacs. It is further stated that she was beaten up for which she underwent treatment and also disclosed about the occurrence on telephone. The accused persons used to threaten her.

It is submitted by learned counsel for the petitioners that of the six petitioners, petitioner nos. 1 and 4 are unmarried *Nanad* (sister-in-law), petitioner nos. 5 and 6 are married *Nanad* (sister-in-law), petitioner no.2 happens to be the *Bhaisur* (elder brother in law) and petitioner no.3 happens to be the *Gotani* (sister-in-law) of the complainant. It is further submitted that the other allegations as made by the complainant have not been found substantiated and it is for this reason that cognizance was taken only under section 498A of the Indian Penal Code. It is further submitted that the main allegation in



the complaint is against the other accused persons and not the petitioners herein who have no concern with the day to day life of the complainant. The petitioners have no criminal antecedent.

The application for bail is opposed by learned APP for the State who submits that from perusal of the order rejecting the application for anticipatory bail of the petitioners it would transpire that on notice the opposite party no.2 had appeared in the Court below and although she was ready to go to her matrimonial house but it was the petitioners who were not ready and it was her husband who did not want to live with the victim. The matter was referred to the mediation centre but it did not succeed.

It is submitted by learned counsel for the petitioners that the application for bail of the husband of the complainant is pending in the learned Court below.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, the submissions made on behalf of the petitioners together with the relationship of the petitioners with the complainant, the Court is inclined to enlarge the petitioners on bail. The petitioners are directed to surrender in the Court below within a period of eight weeks from today and in the event of their arrest



or surrender in connection with complaint Case No.2410 of 2019 (Trial No.2394 of 2020), they will be enlarged on bail on each of them furnishing bail bond of Rs 10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. IX, Gopalganj, subject to the conditions as laid down in section 438(2) of Criminal Procedure Code.

(Partha Sarthy, J)

Bibhash/-

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

