

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17707 of 2020

Arising Out of PS. Case No.-9 Year-2019 Thana- BUNIYAD GANJ District- Gaya

1. VINAY MISHRA Son of Surendra Mishra Resident of Suryapokhar Road Manpur, Durga Asthan, P.S.- Buniyadganj, District - Gaya.
2. Rubi Devi Wife of Vinay Mishra Resident of Suryapokhar Road Manpur, Durga Asthan, P.S.- Buniyadganj, District - Gaya.
3. Sanchit Mishra @ Sanchit Kumar Mishra Son of Vinay Mishra Resident of Suryapokhar Road Manpur, Durga Asthan, P.S.- Buniyadganj, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Javed Jafar Khan, Adv.

For the Opposite Party/s : Mr.Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 18-08-2020 Heard learned counsel for the petitioners and learned
APP for the State, through video conferencing.

The petitioners have filed the instant application for grant of anticipatory bail apprehending their arrest in connection with Buniyadganj P.S. Case No. 9 of 2019 registered under sections 498A, 341, 323 and 34 of the Indian Penal Code and sections 3 and 4 of the Dowry Prohibition Act.

As per allegation in the FIR, the informant was married to one Nishant Mishra, son of petitioner nos. 1 and 2 in the year 2015. It is further submitted that after some time of the marriage, the informant's husband Nishant Mishra started to



assault the informant stating that she was not beautiful. He also made further demand of dowry and only on that condition would he keep her. Further allegation is made against all the accused persons including the petitioners herein of torture, demand of dowry and that she was forced out of her in-laws house.

It is submitted by learned counsel for the petitioners that the petitioner nos. 1, 2 and 3 are the father-in-law, mother-in-law and husband's brother of the informant. Even as per the FIR, the main allegation is against the husband, who has already moved for bail before this Court vide Cr. Misc. No. 17819 of 2020, which is pending. It is further submitted that the petitioners have been living separately from Nishant Mishra, husband of the informant. The allegations as levelled in the FIR are false and in any case the allegations are general and omnibus in nature. The petitioners have no criminal antecedent.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case including the fact that the husband of the petitioner has already moved for bail which is pending for consideration and the



general and omnibus allegations against the petitioners, the Court is inclined to enlarge the petitioners on anticipatory 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 Buniyadganj P.S. Case No. 09 of 2019, they shall be enlarged on bail on each of them furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VII, Gaya subject to the condition as laid down under section 438(2) of the Cr.P.C.

(Partha Sarthy, J)

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