

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24731 of 2020

Arising Out of PS. Case No.-188 Year-2019 Thana- NOORSARAI District- Nalanda

1. FAKIRA CHAUHAN S/o Biran Chauhan @ Atbari Chauhan Resident of Village- Daryuara, P.S.- Noorsarai, Dist- Nalanda.
2. Parmanand Chauhan S/o Fakira Chauhan Resident of Village- Daryuara, P.S.- Noorsarai, Dist- Nalanda.
3. Kunti Devi W/o Fakira Chauhan Resident of Village- Daryuara, P.S.- Noorsarai, Dist- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Narayan Singh, Adv. Mr. Subodh Kumar, Adv.
For the Opposite Party/s	:	Mr. Sanjay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 22-12-2020 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 Noorsarai P.S. Case No. 188 of 2019 registered under sections 307, 341, 323, 379, 354, 504 and 34 of the Indian Penal Code.

As per allegation in the FIR, it is stated by the informant that her father, maternal uncle and brother came to her in-laws place for her *bidai*. They had come on being called by her father-in-law. At the said time it is stated by the



informant that her father-in-law asked her father that she should give in writing on a stamp paper that she would not file a complaint on going with him. On enquiry by her father, she disclosed that her father-in-law used to force himself upon her in absence of her husband. She was also beaten up. Thereafter it is stated that altercation took place between her father and father-in-law and her father and others were assaulted. It is stated that her father-in-law along with 8-10 others took her father and assaulted him

It is submitted by learned counsel for the petitioners that the allegations as levelled in the FIR are false and highly exaggerated. Minor altercation had occurred. It is further submitted that the allegations are general and omnibus in nature and the case of the petitioners stand on a similar footing to a large number of co-accused, who by different orders have been granted anticipatory bail by the High Court. The petitioner nos. 1, 2 and 3 are the father-in-law, the husband and mother-in-law of the informant. The petitioners have no criminal antecedent.

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

Case diary called for in the case has been received.

Having heard learned counsel for the parties and



taking into consideration the facts and circumstances of the case, it transpires that there is specific and direct allegation against the petitioner no. 1 of having forced himself on his daughter-in-law (informant) and the allegation is supported by the material that has transpired in course of investigation. The the Court is thus not inclined to enlarge the petitioner no. 1 on anticipatory bail and the same is rejected.

So far as petitioner nos. 2 and 3 are concerned, the Court is inclined to enlarge the petitioners on bail. The petitioner nos. 2 and 3 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 Noorsarai P.S. Case No. 188 of 2019, 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 learned Chief Judicial Magistrate, Nalanda at Bihar Sharif subject to the condition as laid down under section 438(2) of the Cr.P.C.

(Partha Sarthy, J)

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