

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23956 of 2020

Arising Out of PS. Case No.-366 Year-2019 Thana- PATAHI District- East Champaran

1. SURAJ DEVI Wife of Nandu Paswan Resident of Village - Bara Shankar, P.S. - Patahi, District - East Champaran.
2. Nandu Paswan Son of Late Durbal Paswan Resident of Village - Bara Shankar, P.S. - Patahi, District - East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar

For the Opposite Party/s : Mr. Bal Mukund Prasad

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 09-10-2020

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.

Heard the learned counsel for the petitioners and Sri Bal Mukund Prasad, the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Patahi PS case no. 366 of 2019 registered for the offences punishable under Sections 406, 498A, 323, 504 of Indian Penal Code and 3/4 of Dowry Prohibition Act.

The prosecution story in brief is that the marriage of the informant is stated to have been solemnized with the co-accused person namely Raja Babu Paswan on 27.05.2013



according to Hindu rites and customs and at the time of marriage, the father of the informant had given lots of gifts to the accused persons and subsequently, the informant had gone to her matrimonial home, however after sometime, the accused persons started demanding a sum of Rs. 3 lacs for purchasing a Bolero vehicle by way of dowry and on account of non-fulfilment of the same, the accused persons had tortured the informant as also assaulted her and finally, she was ousted from her matrimonial home.

The learned counsel for the petitioners has submitted that the petitioners, who are the mother-in-law and father-in-law of the informant, are innocent, have been falsely implicated in the present case and are having clean antecedent. It is further submitted, by referring to paragraph no. 10 of the present petition, that the petitioners are living separately from their son i.e. the husband of the informant and have got no complicity in the matter. It is further submitted, by referring to paragraph no. 13 of the present petition, that the husband of the informant is behind bars since 18.02.2020, hence it is submitted that no prejudice would be caused if the old parents of the husband of the informant are admitted to the privilege of anticipatory bail.



Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioners and taking into account that a general and omnibus allegation has been levelled as against the petitioners herein, they are stated to be living separately from the husband of the informant and the husband of the informant is already in custody, I deem it fit and appropriate to admit the petitioners to the privilege of anticipatory bail. Accordingly, the abovenamed petitioners, in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, are directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of learned 8th Additional Chief Judicial Magistrate, East Champaran at Motihari in connection with Patahi PS case no. 366 of 2019 subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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