

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62855 of 2019

Arising Out of PS. Case No.-36 Year-2019 Thana- AZIMABAD District- Bhojpur

SIMA DEVI Wife of Rama Shankar Thakur Resident of Village - Hathi Tola
Maner, P.O. and P.S.- Maner, Distt - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Durga Narayan

For the Opposite Party/s : Mr.Anand Mohan Prasad Mehta

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 06-03-2020 Heard learned counsel for the petitioner, learned
counsel for the opposite party no. 2 and learned APP for the
State.

The instant application for anticipatory bail has been
filed by the petitioner apprehending his arrest in connection
with Azimabad P.S. Case No. 36 of 2019, registered for the
offence punishable under sections 341, 323, 354, 376, 511,
498A and 34 of the Indian Penal Code, sections 3 and 4 of the
Dowry Prohibition and sections 66(A), 66(E) and 72 of the
Information Technology Act.

As per the allegation in the FIR, the opposite party no.
2 was married to the son of the petitioner in the year 2017 and at
the time of marriage Rs. 5,00,000/- by way of cash and Rs.
1,10,000/- for a motorcycle was given. It is further submitted



that soon after her going to sasural, the accused persons started torturing her and took away various gift articles given by different persons. It is further submitted that the petitioner, who is the mother-in-law, Ragani Devi and Pooja Devi used to beat her up. There is further allegation against her husband of torture, assault and various cruel acts described in detail in the FIR.

It is submitted by learned counsel for the petitioner that so far as the allegations as levelled in the FIR are concerned, the same are false and concocted. The main allegations even as per the FIR is against the husband, who has already filed an application for anticipatory bail vide Cr. Misc. No. 84958 of 2019, wherein notices have been issued and orders have been passed not to take any coercive steps against him. It is further submitted that co-accused Ragani Devi and others have been enlarged on bail vide orders dated 15.10.2019 passed in Cr. Misc. No. 62155 of 2019 and order dated 20.01.2020 passed in Cr. Misc. No. 80496 of 2019. The petitioner who is a lady, has no criminal antecedent.

It is submitted by learned counsel for the opposite party no. 2 that the allegations are serious in nature and the petitioner is not only named in the FIR but there is direct allegation against her. It is further submitted that there is



allegation of rape and offence under the I.T. Act against the husband of the informant. Petitioner is the head of the family and she has the responsibility and duty to take care of her daughter-in-law.

Having heard learned counsel for the parties and taking into consideration the grant of bail to other co-accused as well as nature of allegation against the petitioner, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of six weeks from today and in the event of her arrest or surrender in connection with Azimabad P.S. Case no. 36 of 2019, she will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Arrah subject to the condition as laid down under section 438(2) of the Cr.P.C.

(Partha Sarthy, J)

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