

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77746 of 2019

Arising Out of PS. Case No.-54 Year-2019 Thana- SAHIYARA District- Sitamarhi

1. Godawari Devi (Female), aged 62 years, w/o Chandeshwar Raut,
2. Chandeshwar Raut (Male), aged 65 years, Son of Late Bhikhari Raut,
3. Sangita Kumari (Female), aged 20 years, D/o Chandeshwar Raut,
4. Shyambabu Raut @ Shyam Babu, (Male), aged 19 years, son of Chandeshwar Raut, All Resident of Village- Jalasi, P.S.- Sahiyara, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Madan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 31-08-2020

The matter has heard *via* video conferencing due to circumstances prevailing on account of the COVID 19 pandemic.

2. Heard Mr. Pushpendra Kumar Singh, learned counsel for the petitioner and Mr. Madan Kumar, learned Additional Public Prosecutor (hereafter referred to as the ‘APP’) for the State.

3. The petitioners apprehend arrest in connection with Sahiyara PS Case No. 54 of 2019 dated 06.06.2019, instituted under Sections 341, 323, 494, 498-A/34 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

4. The allegation against the petitioners and another is



of torture for demand of dowry, assault and ousting from the matrimonial home.

5. Learned counsel for the petitioners submitted that they are mother-in-law, father-in-law, sister-in-law and brother-in-law, respectively, of the informant. It was submitted that they have no role in any matrimonial dispute between the parties. It was submitted that the son of the petitioners no.1 and 2 is ready to keep her.

6. On a query of the Court as to what steps they have taken for getting the informant back in the matrimonial home, learned counsel could not give any reply. On a further query of the Court as to what steps they have taken for the welfare of their grandchild, as is indicated in the FIR itself where the informant has stated that she was pregnant, learned counsel, again, had no answer.

7. Learned APP, from the case diary, submitted that the conduct of the petitioners is sufficient to indicate that the informant has been tortured for dowry. It was further submitted that there is allegation that the husband of the informant has remarried and there is no denial in the petition of this fact. It was submitted that without active approval of the petitioners, the husband of the informant could not have remarried. It was



submitted that witnesses have supported the allegations.

8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in view of the specific allegation in the FIR with regard to demand of dowry and torture as well as the fact that second marriage of the husband of the informant has not been denied in the application as also there being nothing to indicate what step was taken, especially by the petitioners no. 1 and 2 to get the informant back in the matrimonial home, more so, when she was pregnant, and the allegations have been corroborated during investigation, as has also been noted in the order of the learned Sessions Judge, Sitamarhi, in ABP No.1173 of 2019 dated 25.09.2019, by which prayer for anticipatory bail of the petitioners was rejected, the Court is not inclined to enlarge the petitioners on anticipatory bail.

9. Accordingly, the application stands dismissed.

10. The interim protection given to the petitioners by order dated 18.02.2020 stands vacated.

(Ahsanuddin Amanullah, J)

J. Alam/-

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