

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71604 of 2019

Arising Out of PS. Case No.-36 Year-2019 Thana- MAHILA P.S. District- Bhagalpur

1. SARITA CHOUBEY Wife of Manoj Choubey @ Manoj kr. Choubey, Resident of Village - Kaitha, P.S.- Rajoun, District- Banka
2. Varsha Kumari @ Supriya Bharti D/O - Manoj Choubey @ Manou kr. Choubey, Resident of Village - Kaitha, P.S.- Rajoun, District- Banka
3. Komal Kumari @ Komal Bharti D/O - Manoj Choubey @ Manoj kr. Choubey, Resident of Village - Kaitha, P.S.- Rajoun, District- Banka
4. Abhishek Pandey Son of Birendra Pandey, Resident of Village - Aanadngob Colony, Distt- Tilkamnajhi, District- Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nikita Dubey D/o Prabhat Shankar Dubey, Resident of Village / Mohalla - Lalucak, P.S.- Lodipur, District- Bhagalpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhirendra Nath Jha
For the Opposite Party/s : Mr.Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 05-03-2020 Heard the learned counsel for the petitioners and the learned APP for the State.

The petitioners apprehend their arrest in connection with Bhagalpur Mahila P.S. Case No. 36 of 2019 for the offence punishable under Sections 120(B), 376/498(A)/494/34 of the Indian Penal Code and sections 3/4 of Dowry Prohibition Act.

The case of the prosecution is that the co-accused person namely Manish Kumar is stated to have established physical relationship with the Opposite Party no.2, whereupon



they are stated to have solemnized marriage in a temple, however, subsequently the said co-accused person namely Manish Kumar had deserted the Opposite party no.2 and is stated to have solemnized marriage with another girl, after taking dowry to the tune of Rs. 25 lacs.

The learned counsel for the petitioners has submitted that as far as petitioner no.1 is concerned, she is mother-in-law of the victim girl, the petitioners no. 2 and 3 are un-married sisters-in-law of the victim girl and as far as the petitioner no.4 is concerned, he is the brother-in-law of the victim girl. It is further submitted that a bare perusal of the statement of the victim girl under Section 164 Cr. P.C., before the learned Magistrate, would show that the main thrust of allegation is towards the co-accused person namely Manish Kumar, who is the husband of the Opposite party no.2 and as far as the petitioners are concerned, a general and omnibus allegation has been levelled. It is submitted that the petitioners are having a clean antecedent and similarly situated person, who is the father-in-law of the victim girl, has already been granted the privilege of anticipatory bail by a co-ordinate Bench of this Court vide order dated 18.12.2019 passed in Cr. Misc. No. 72873 of 2019.



Having regard to the facts and circumstances of the case and considering the submissions made by the learned counsel for the petitioners as also taking into account the parity of the case of the petitioner with that of the co-accused person, who has already been granted anticipatory bail by a co-ordinate Bench of this Court, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

Accordingly, in the event of arrest or surrender in the court below within a period of four weeks from today, the petitioners, above named, are directed to be released on anticipatory bail on furnishing bail- bonds of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of learned SDJM, Bhagalpur in connection with Bhagalpur Mahila P.S. Case No. 36 of 2019, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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