

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 31105 of 2021

Arising Out of PS. Case No.-21 Year-2021 Thana- DIGHWARA District- Saran

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1. Sanjay Kumar Singh, aged about 54 years, Male Son of Late Chandeshwar Singh.
 2. Rekha Devi, aged about 49 years, Female Wife of Sanjay Kumar Singh. Both residents of Village - Dighwara, PS - Dighwara, District - Saran at Chhapra.
 3. Puja Devi, aged about 30 years, Female Wife of Rajesh Kumar Singh, Daughter of Sanjay Kumar Singh, Resident of Village - Rasalpura, PS - Doriganj, District - Saran at Chhapra.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Puja Devi, aged about 26 years, Wife of Sandeep Kumar Singh, Daughter of Ravi Ranjan Singh, Residing at Present at Village – Ekauna, Post + PS - Punpun District – Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anil Kumar Sinha, Advocate
For the State	:	Mr. Md. Arif, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 08-10-2021

The matter has been heard *via* video conferencing.

2. The case has been taken up out of turn on the basis of motion slip filed by learned counsel for the petitioners, which was allowed.

3. Heard Mr. Anil Kumar Sinha, learned counsel for the petitioners and Mr. Md. Arif, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.



4. The petitioners apprehend arrest in connection with Dighwara PS Case No. 21 of 2021 dated 25.01.2021, instituted under Sections 341, 323, 498A, 503/34 of the Indian Penal Code, 1860 and 4 of the Dowry Prohibition Act, 1961.

5. The petitioner no. 1 is the father-in-law, petitioner no. 2 is mother-in-law and petitioner no. 3 is the married sister-in-law (*Nanad*) of the informant-opposite party no. 2.

6. The allegation against them is of torture and not giving her food on account of non-fulfillment of demand of dowry of Rs. 8 lakhs and thereafter of assault and ouster from the matrimonial home and further of attempting to kill her by poisoning as well as assault.

7. Learned counsel for the petitioners submitted that they have no role between the relationship of the husband and the wife and in the anticipatory bail filed by the husband of the informant, who is the son of the petitioner no. 2 and brother of petitioner no. 3, the Court had ordered for no coercive steps against him and he has taken the opposite party no. 2 with him and she is living in the matrimonial home. It was further submitted that petitioners have no other criminal antecedent.

8. Learned APP submitted that the petitioners being the in-laws of the informant are equally responsible for such torture.



9. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in view of the petitioners being the in-laws and having no criminal antecedent and the husband of the informant having taken her to the matrimonial home where she is living, the Court is inclined to allow the prayer for pre-arrest bail.

10. Accordingly, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM-IX, Saran at Chapra in Dighwara PS Case No. 21 of 2021, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further, (i) that one of the bailors shall be a close relative of the petitioners, (ii) that the petitioners and the bailors shall execute bond and give undertaking with regard to good behaviour of the petitioners and (iii) that they shall co-operate with the Court and police/prosecution. Any violation of the terms and conditions of the bonds or the undertaking or failure to co-operate shall lead to cancellation of their bail bonds.

11. It shall also be open for the prosecution to bring any violation of the foregoing conditions by the petitioners, to the



notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioners.

12. The petition stands disposed of in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar

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