

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32395 of 2021

Arising Out of PS. Case No.-66 Year-2020 Thana- CHAPRA TOWN District- Saran

1. AJIT KUMAR @ AJIT OJHA Son of Late Bhupendra Ojha Resident of Mohalla - Prabhunath Nagar, P.S.- Town, Police Station, District - Saran, Chhapra.
2. Urmial Devi Wife of Ajit Kumar @ Ajit Ojha Resident of Mohalla - Prabhunath Nagar, P.S.- Town, Police Station, District - Saran, Chhapra.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Arun Kumar Pandey, Advocate
For the Opposite Party/s	:	Mr. Ram Chandra Singh, APP
For the Informant	:	Mr. Mukesh Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 30-09-2021 Learned counsel for the petitioners undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

This Court has heard Mr. Arun Kumar Pandey, learned counsel for the petitioners, Mr. Mukesh Kumar Singh, learned counsel for the informant and Mr. Ramchandra Singh, learned APP for the State.

Petitioners in the present case are the father-in-law and the mother-in-law of the daughter of the informant. They are seeking regular bail in connection with Chapra Town P.S. Case No. 66 of 2020 for the offences punishable under Section 341, 323, 498(A), 504/34 of the Indian Penal Code and $\frac{3}{4}$ of the



Dowry Prohibition Act. They are in custody since 02.02.2021.

This matter has been taken up out of turn for consideration when it was mentioned that these two petitioners are the father-in-law and mother-in-law, old age persons, petitioner No.2 is a school teacher presently whereas petitioner No.1 has retired as a school teacher and the husband of the informant's daughter has already been granted regular bail by a learned coordinate Bench of this Court.

Learned counsel for the petitioners submits that on a bare perusal of the First Information Report, it would appear that the alleged occurrence in respect of which the FIR has been lodged took place on 12.5.2019 whereas the FIR has been lodged on 02.02.2020 i.e. after a period of eight months.

It is further submitted that in the First Information Report, there is a general and omnibus allegations against the petitioners as also the husband of the daughter of the informant that all of them had been assaulting the daughter of the informant in the close door room, however, the fact remains that this case is an outburst of the case lodged by petitioner No. 1 in respect of the occurrence which took place on 15.1.2020 during the night hours when the informant and others accompanying him had assaulted the petitioner. In this respect, the FIR giving



rise to Bhagwan Bazar P.S. Case No. 33 of 2020 was lodged on 16.1.2020.

Learned counsel for the petitioners has further placed before this Court the medical prescriptions of AIIMS, New Delhi showing that from a period much before the alleged occurrence the petitioner No. 2 is suffering from some serious health issues and she was getting treatment for the same at AIIMS, New Delhi. Similarly, in respect of petitioner No. 1 also medical certificates and the treatment particulars have been placed on record. The husband of the informant's daughter has already been granted bail in Cr. Misc. No. 28746 of 2021.

Learned counsel for the informant has opposed the prayer for bail of the petitioners. It is his submission that the daughter of the informant was living in the house of these petitioners, however, learned counsel for the informant accepts that so far as the FIR is concerned, it contains similar allegations against these petitioners as well as the husband of the informant's daughter and the husband has already been granted bail.

Mr. Ramchandra Singh, learned APP was called upon to distinguish the case of the petitioners with that of the husband of the informant's daughter. Learned APP also accepts that the



allegations in the FIR are general and no distinction may be made out in this case.

Having regard to the facts and circumstances of the case as noted hereinabove, this Court directs release of the petitioners above-named on bail on furnishing of bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran Chapra in connection with Town P.S. Case No. 66 of 2020, subject to the conditions as laid down under Section 437(3) Cr.P.C.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

