

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23502 of 2020

Arising Out of PS. Case No.-15 Year-2020 Thana- MAHILA P.S. District- Siwan

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1. Soni Devi @ Soni Srivastava Wife of Rohit Srivastva Resident of Village-Gyaspur, P.S.-Siswan, District-Siwan.
 2. Renu Devi Wife of Vijay Lal Srivastava Resident of Village-Gyaspur, P.S.-Siswan, District-Siwan.
 3. Priyanka Devi @ Beuty @ Priyanka Kumari Daughter of Vijay Lal Srivastava Resident of Village-Gyaspur, P.S.-Siswan, District-Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shilpi Srivastava Wife of Rupesh Resident of Village-Gyaspur, P.S.-Siswan, District-Siwan at present daughter of Vinay Kumar Srivastava resident of Rajendra Nagar, P.S.-Siwan Town, District-Siwan.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ranjeet Kumar, Advocate
For the O.P. No. 2	:	Mr. Prashant Kumar, Advocate
For the State	:	Mr. Nand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

8 08-01-2021 Heard Mr. Ranjeet Kumar, learned counsel

for the petitioners, Mr. Prashant Kumar, learned

counsel for the informant and Mr. Nand Kumar,

learned APP for the State.

The petitioners in the present case are

seeking pre-arrest bail in connection with Siwan

Mahila P.S. Case No. 15 of 2020 registered for the

offences punishable under Sections 498(A), 313 of



the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

Learned counsel for the petitioners submits that so far as petitioner No. 1 is concerned, she is wife of other brother of the husband of O.P. No. 2 who has recently given birth to a child and is living separately from the family of O.P. No. 2. Petitioner No. 2 is mother-in-law and petitioner No. 3 is Nanad of O.P. No. 2 who is living separately.

Learned counsel for the petitioners further submits that the present case has been lodged on account of matrimonial discord between O.P. No. 2 and her husband. The husband of O.P. No. 2 is serving in military and he is ready and willing to visit the house of O.P. No. 2 to bring her back to her matrimonial home.

This Court has also been informed that the parties have two minor children and they are presently living with O.P. No. 2.



Learned counsel for the petitioners has submitted that he has in fact found that petitioners and husband of O.P. No. 2 all are interested in restitution of conjugal life of O.P. No. 2 and they are willing to cooperate with O.P. No. 2 in her settlement with the family.

Mr. Prashant Kumar, learned counsel representing O.P. No. 2 submits that O.P. No. 2 would welcome her husband if he comes to her parent's house and that she along with her minor children would happily accompany him to the matrimonial home and the place of posting.

Both the parties agree that husband of O.P. No. 2 shall visit the place of O.P. No. 2 on 16th of January, 2021 and on his visit, O.P. No. 2 shall accompany him.

Mr. Ranjeet Kumar, learned counsel for the petitioner submits that though husband of O.P. No. 2 is not petitioner in this case but he has instructions to



say this by the petitioners as well as the husband of O.P. No. 2 in course of his discussions with them and that is why he has made this statement.

In the aforesaid circumstance, Mr. Prashant Kumar, learned counsel for the O.P. No. 2 does not oppose this application for grant of anticipatory bail to the petitioners as he has also instructions to say that O.P. No. 2 is interested in resuming her family life with her husband, thus she would not be interested in opposing the application for grant of anticipatory bail to the petitioners.

Mr. Nand Kumar, learned A.P.P for the State is present and has endorsed the submission of learned counsel for O.P. No. 2.

In the aforesaid given facts and circumstances, let the petitioners, above named, in the event of their arrest or surrender within a period of four weeks from today be released on bail on furnishing bail bonds of Rs. 25,000/- (twenty five



thousand) each with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Siwan in connection with Siwan Mahila P.S. Case No. 15 of 2020, subject to the condition as laid down under Section 438(2) of the Cr.P.C. as under

(i) that such person shall attend in accordance with the conditions of the bond executed under this Chapter;

(ii) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of commission of which he is suspected, and

(iii) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.



And further condition that in case of breach of undertaking on the part of the petitioners and the husband of O.P. No. 2 as has been noted above, it would be open for O.P. No. 2 to file an application for cancellation of bail.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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