

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37392 of 2020

Arising Out of PS. Case No.-36 Year-2020 Thana- NASRIGANJ District- Rohtas

1. OM PRAKASH, Son of Late Kishrori Lal Gupta Resident of Village- Flat No. 103, Aroma Plaza Apartment, Karorichak Phulwari Sharif, P.S.-Phulwari Sharif, District- Patna (Bihar).
2. Smt. Aasha Devi W/o.- Om Prakash Resident of Village- Flat No. 103, Aroma Plaza Apartment, Karorichak Phulwari Sharif, P.S.-Phulwari Sharif, District- Patna (Bihar).
3. Aashih Suman Son of Om Prakash Resident of Village- Flat No. 103, Aroma Plaza Apartment, Karorichak Phulwari Sharif, P.S.- Phulwari Sharif, Distt.- Patna (Bihar)
4. Deepmala Gupta W/o Om Prakash Resident of Village- Flat No. 103, Aroma Plaza Apartment, Karorichak Phulwari Sharif, P.S.- Phulwari Sharif, Distt.- Patna (Bihar)
5. Aprajita Sheela @ Dolli D/o Om Prakash Resident of Village- Flat No. 103, Aroma Plaza Apartment, Karorichak Phulwari Sharif, P.S.- Phulwari Sharif, Distt.- Patna (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Digvijay Kumar Ojha
For the Opposite Party/s :	Mr. Umesh Narayan Dubey
	Mr. Mukund Mohan Jha
	Mr. Nityanand

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 05-10-2021 Heard Mr. Digvijay Kumar Ojha, learned advocate for the petitioners and Hari Mohan Mishra, learned advocate for the Opposite Party No. 2. The State is represented by learned APP.

The petitioners seek bail in anticipation of their



arrest in connection with Nasriganj P. S. Case No. 36 of 2020, dated 12.02.2020, instituted for the offences under Sections 341, 323, 354, 376, 504, 506, 498(A) and 34 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act, 1961.

The accusation against the petitioners is of having misbehaved with the informant.

The petitioner nos. 1 and 2 are the parents-in-law of the informant whereas petitioner nos. 3 and 4 are the elder brothers of husband of the informant. Petitioner no. 5 is the unmarried sister of the husband of the informant.

The accusation in the F.I.R., it has been argued, is general and omnibus.

The informant has not been able to live cordially with her husband. For such marital dispute between the spouses, the petitioners ought not to be prosecuted.

The learned counsel for the informant,



however, submits that because of the exhortation of the petitioners, the Opposite Party No. 2 is not treated properly in her matrimonial home.

Regard being had to the nature of accusation against the petitioners and their relationships with the husband of the informant, they are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sasaram, Rohtas, in connection with Nasriganj P. S. Case No. 36 of 2020, subject to the conditions as laid down under Section 438 (2) Cr.P.C.

The application stands allowed.

(Ashutosh Kumar, J)

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