

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No. 39569 of 2020

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1. Shanti Devi, Female, aged about 60 years, wife of Deo Shankar Prasad
 2. Deo Shankar Prasad, Male, aged about 67 years son of Late Bhuneshwar Prasad

Both 1 and 2 resident of Mohalla-Rahamganj, Kalimandir, P.S. Laheriasaria, District-Darbhangha

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ranjita Kumari, Female, aged about 32 years wife of Rakesh Kumar Gupta, daughter of Surendra Prasad, r/o village-Nirala Nagar, near DAV College, Siwan, P.S.Siwan Town, District-Siwan.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Chanda, Adv.

For the Opposite Party/s : Mr. Ashok Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

2 02-06-2021 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioners



and the learned A.P.P. for the State, Sri Ashok Kumar.

This is an application for grant of anticipatory bail in connection with Complaint Case No. 2905 of 2018 (Trial No. 3283/2020) registered for the offence punishable under Section 498(A) of the Indian Penal Code.

The case of the prosecution, according to the complaint petition, filed by the informant, is that her marriage was solemnized with the son of the petitioners on 24.02.2012, as per Hindu Rites and Rituals, whereafter she had gone to her in-laws home, however, she was regularly harassed and tortured on account of non-fulfillment of the demand for dowry.

The learned counsel for the petitioners has submitted that the petitioners are innocent, they have been falsely implicated in the present case and are having a clean antecedent. The learned counsel for the petitioners has further submitted



that the petitioners are the mother-in-law and father-in-law of the complainant and a bare perusal of the complaint petition would show that no specific allegation of any sort of assault has been leveled as against them and moreover, the fact is that the present complaint case has been filed after the son of the petitioners had filed a divorce case against the complainant and notices thereof has been issued to the complainant.

Per contra, the learned APP for the State, Sri Ashok Kumar, has submitted that if at all anyone might be responsible for the matrimonial dispute, it might be the husband of the complainant, however the petitioners are not the husband of the complainant and virtually, no serious allegations have been leveled as far as the petitioners are concerned.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioners and taking



into account the materials available on record as also considering the fact that the connected complaint case appears to have been filed after issuance of notice to the complainant in the divorce case filed by the husband of the complainant, I deem it fit and proper to direct for release of the petitioners, above named, on anticipatory bail, in the event of their arrest or surrender before the court below within a period of eight weeks from today, on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned S.D.J.M. Siwan in connection with Complainant Case No. 2905/ 2018 (Trial No. 3283 of 2020), subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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