

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40597 of 2020

Arising Out of PS. Case No.-146 Year-2020 Thana- DIDARGANJ District- Patna

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1. JITENDRA KUMAR, Son of Lal Babu Prasad Resident of Village- Madhopur, P.S.- Didarganj, District- Patna.
 2. Manju Devi, Wife of Lal Babu Prasad Resident of Village- Madhopur, P.S.- Didarganj, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rani Kumari Daughter of Madhusudan Prasad Resident of Village- Madhopur, P.S.- Didarganj, District- Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pratik Mishra, Advocate Mr. Birendra Kumar Singh, Advocate
For the informant	:	Mr. Kumar Rishikesh, Advocate
For the State	:	Mr. Ajit Kumar, A.P.P

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 03-11-2021 Heard learned counsel appearing on behalf of petitioners Sri Pratik Mishra, learned counsel appearing on behalf of informant Sri Kumar Rishikesh and Sri Ajit Kumar, learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Didarganj P.S. Case No. 146 of 2020, registered under Sections 498(A), 406, 420 and 506/34 of the Indian Penal Code.

In brief, the allegation made in the F.I.R. is that the petitioners along with other co-accused committed torture with the informant, who is married wife of one Bipin Kumar in the year 2005 and out of the said marriage, Bipin Kumar and the



informant has been blessed with two children. It has further been alleged that the informant is residing at her parental home and alleges that they have sold the ancestral property belonging to her husband without letting know to her husband as well as her. She further alleged that her husband is mentally retarded. It has been alleged that from the very beginning of her marriage, the accused persons have not treated her in proper manner. It has further been alleged that the total value of the land relating to Khesra No. 1568 and 1569 appertaining to Khata No. 265 total area is six Katha and sale value is amounting of Rs. 36,00,000/-.

Learned counsel appearing on behalf of the petitioners submits that the allegation made in the F.I.R. are false and concocted. The informant, who is the married wife of his full brother (petitioner No.1 Jitendra Kumar) and the petitioner No.2 Manju Devi, aged about 62 years is mother-in-law of the informant. He further submits that the informant has not brought even a chit of paper as to whether their ancestral land belong to their family with respect to Khesra No. 1568 and 1569 appertaining to Khata No. 265 measuring six Katha has been sold to any person nor has brought any agreement in this regard allegedly have been entered into by any member of family. From perusal of the F.I.R. it appears that there is no specific



alleged inflicting assault by these petitioners to the informant. Even the allegation of depriving her husband of Rs. 12,00,000/- is also not sustainable. He further submits that prima facie no case is made under Section 420 I.P.C. He further submits that all the family members of the informant, who are her in-laws are ready to keep the informant with full dignity and honour and they are also ready to support her in every respect and they are duty bound to take her husband at a super-specialized hospital for treating his mental disorder and for which learned counsel appearing on behalf of petitioners submits that the petitioners and his entire family members will support both morally as well as financially in the treatment of the husband of the informant. Learned counsel appearing on behalf of the petitioners submits that this act can only happen once the informant also shows her love and affection to the entire family members.

Learned counsel appearing on behalf of informant submits that informant has never been treated as daughter in law by her in-laws and there is every chance that she can be deceived by her in-laws, who are very clever persons.

Learned A.P.P. appearing for the State opposes the prayer of petitioners for grant of anticipatory bail.

Having considered the facts and circumstances of



the case and submission made on behalf of petitioners and the O.P. No.2, I am of the opinion that the person, who is really aggrieved is the husband of the informant and since the learned counsel appearing on behalf of petitioners has submitted that all due care will be taken so far as the husband of the informant is concerned, who is own brother of the petitioner No.1 and son of petitioner No.2 has also shown their willingness to keep the informant prima facie no case as alleged is made out.

So far as the allegation with respect to sale of six katha land relating to Khata No. 265 appertaining to Khesra No. 1568 and 1569 is concerned, there is no material brought on record with respect to sell of the said land neither any sale deed number has been referred in the F.I.R. by the informant.

I am of the opinion that petitioners have made out prima facie case for grant of anticipatory bail. Let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M-IV, Patna City, Patna in connection with Didarganj P.S. Case No. 146 of 2020, subject to the condition as laid down under Section 438 (2) of the



Cr.P.C.

The Court below may further impose such conditions upon the petitioners as may deem fit and proper for taking into the ill health of the husband of the informant, who is mentally retarded.

It is further observed that if the informant is aggrieved by the alleged sale of land, she is free to avail the remedy as provided in accordance with law to claim the share of 1/3 of the sell proceed.

(Purnendu Singh, J)

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