

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3849 of 2021

Arising Out of PS. Case No.-373 Year-2019 Thana- LALIT NARAYAN UNIVERSITY
District- Darbhanga

-
1. Radhey Shyam Pradhan, male, aged about 48 years, S/o Late Satya Narayan Prasad.
 2. Gopal Pradhan, male, aged about 27 years, S/o Shri Radhey Shyam Pradhan.
 3. Hari Om Pradhan, male, aged about 20 years, S/o Shri Radhey Shyam Pradhan.
 4. Ganesh Pradhan @ Munna Pradhan, male, aged about 32 years, S/o Shri Ghanshyam Pradhan.

All are residents of Mohalla- Chunnabhatti, P.S.- L.N.M.U, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Adv.

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

4 07-10-2021 Heard Mr. Pramod Mishra, the learned Advocate for

the petitioners and Mr. Ram Priya Sharan Singh, the learned

APP for the State.

The petitioners seek bail in anticipation of their



arrest in connection with L.N.M.U. P.S. Case No. 373 of 2019, dated 15.12.2019, instituted for the offences under Sections 341, 323, 354(B), 504, 506 and 34 of the Indian Penal Code.

The informant has alleged that when she returned to her matrimonial home after solemnizing the marriage of her daughter, she was ill-treated and misbehaved with by her husband and the petitioners who are the relatives of her husband. Though it has been alleged that she was subjected to a very indignified treatment, but such accusations are absolutely false. In the F.I.R., it has been alleged that the petitioner No. 1 along with his associates and sons had made her husband a drug addict. Because of the nefarious activities of petitioner No. 1 specifically, many persons with bad habits of drinking alcohol and consuming drugs had been visiting her matrimonial home. The husband of the informant is also alleged to have neglected her and her children. The informant had married her daughter of her own resources and even then she had to suffer the aforesaid ignominy when she came back to her matrimonial home.



The learned counsel for the petitioners has submitted that from the averments made in the F.I.R., the allegations appear to be highly exaggerated. He submits that the informant may have been ill-treated because of *inter se* dispute in the family, but the accusation of disrobing her in public is neither understandable nor believable.

The explanation offered by the petitioners is that the relationship between the informant and her husband became sour after the husband lost his job. There was some dispute with respect to apportionment of the expenses incurred in the *shradh* ceremony of the parents of petitioner No. 1 and the husband of the informant.

It has further been submitted that either it could be a ploy of the informant to anyhow silence the petitioners or to make the husband submit to her dictates. The aforesaid accusation could also have been levelled, it has been argued, because of the disturbed marital life of the informant and her husband.

Another explanation which has been brought forth on behalf of the petitioners is that the husband of the



informant objected to the solemnization of the marriage of their daughter exclusively at the instance of the informant. Apart from this, it has been submitted that one associate of the informant, who is a local journalist, has exhorted her to file this case against the petitioners without any cause.

The husband of the informant is not before this Court.

The explanation offered by the learned counsel for the petitioners does not appear to be unreasonable that it would be too much to believe the accusation against all the family members of subjecting the informant to such indignified behaviour. True it is that the narration reflects a disturbed household; nonetheless the accusations are, though specific against petitioner No. 1, but absolutely general and omnibus so far others are concerned.

Mr. Ram Priya Sharan Singh, the learned APP, however, submits that in view of the specific accusation against the petitioners, they cannot take advantage of the peculiarity of the accusation by *a man on the clapham omnibus*. For the purposes of grant of bail, he submits, the



accusations have to be seen and assessed.

Regard being had to the specific nature of accusation against petitioner No. 1, namely, Radhey Shyam Pradhan, I am not inclined to grant him anticipatory bail.

The prayer for grant of anticipatory bail of petitioner No. 1 is, accordingly, rejected.

However, if he surrenders before the Court below and seeks bail, the Court below shall consider the case on its own merits, without being prejudiced by the fact that the present anticipatory bail application on his behalf has not been entertained by this Court.

In view of the general allegation against petitioner Nos. 2, 3 and 4, namely, Gopal Pradhan, Hari Om Pradhan and Ganesh Pradhan @ Munna Pradhan and the background fact of there being dispute between the informant and her husband and others, they (petitioner Nos. 2, 3 and 4), in the event of their arrest or surrender before the learned Court below within a period of eight weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties



of the like amount each to the satisfaction of learned Chief
Judicial Magistrate, Darbhanga in connection with L.N.M.U.
P.S. Case No. 373 of 2019, subject to the conditions laid
down under Section 438(2) of the Cr.P.C.

The application stands disposed off accordingly.

(Ashutosh Kumar, J)

Praveen-II/-

U		T	
---	--	---	--

