

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30982 of 2021

Arising Out of PS. Case No.-242 Year-2020 Thana- MADHUBANI TOWN District-
Madhubani

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Nirmala Jaiswal, Wife of Shivdhar Paswan, R/o Village- Seemapur, P.S.-
Madhubani Town, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Yogesh Chandra Verma, Sr. Adv.

For the Opposite Party/s : Mr. APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

3 29-04-2022 Heard Mr. Yogesh Chandra Verma, the learned

Senior Advocate for the petitioner and the learned APP

for the State.

The petitioner seeks bail in anticipation of his

arrest in connection with Madhubani Town P.S. Case No.

242 of 2020, dated 19.09.2020, instituted for the

offences under Sections 376, 498(A), 341, 323, 504

and 506/34 of the Indian Penal Code.



The accusation in the F.I.R. is that because the husband of the victim/prosecutrix is a person of weak mind and body, her father-in-law had been subjecting her to continuous rape, which made her pregnant. Such action was repeated by her father-in-law and because of that, she has given birth to three children.

So far as the petitioner is concerned, who is the mother-in-law of the victim, it has been alleged against her that she was in the knowledge of the aforesaid act of her husband, but she did not do anything to prevent such an atrocity being committed in the family.

Mr. Yogesh Chandra Verma, the learned Senior Advocate, however, has submitted that the accusation is absolutely unworthy of reliance and appears to be a concocted story. He has offered several reasons in support of his contention, namely, that the petitioner, who has retired as a nurse, would not permit her husband to enter into any kind of sexual relation



with another woman, especially the daughter-in-law. Secondly, it has been urged that if this accusation was correct, the victim would not have stayed in the family under the same roof, especially when, according to her, her husband was a weakling. Lastly, it has been urged that during the course of investigation, it came to light that the victim always used to run away to her uncle's place and when any protest was made, she use to fight with her parents-in-law.

Apart from this, it has been suggested by Mr. Verma that there could be a possibility of the victim harbouring an intention of putting her parents-in-law to a difficult situation, so that the entire family property is bequeathed to her. This, perhaps, is at the instance of the other family members of the prosecutrix.

With reference to the case diary, it has been urged that the witnesses who have made such wild accusation are none else but the brother, sister and mother of the prosecutrix.

Be that as it may, while perusing the police



papers, this Court found that the petitioner was given the benefit of police bail.

In that view of the matter, this Court would not be inclined to entertain this bail application.

The prayer for grant of anticipatory bail to the petitioner is, accordingly, rejected.

However, it is observed that in case the petitioner surrenders before the Court below and seeks bail should the need so arise, the Court below shall take into account the above-noted facts as also that during period of police bail, she did not misuse such privilege.

The application stands disposed off accordingly.

(Ashutosh Kumar, J)

Praveen-II/-

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