

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23901 of 2022

Arising Out of PS. Case No.-385 Year-2018 Thana- DUMRA District- Sitamarhi

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1. RAMA SHANKAR RAI @ RAMA SHANKAR YADAV Son of Late Yogendra Yadav Resident of Village - Kumhra Vishnupur, P.S.- Dumra, District - Sitamarhi.
 2. Saroj Kumar Rai @ Saroj Rai Son of Rama Shankar Rai @ Rama Shankar Yadav Resident of Village - Kumhra Vishnupur, P.S.- Dumra, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Hans Lal Kumar
For the Opposite Party/s :	Mr.Awadhesh Kumar Singh
	Mr.Mahendra Thakur

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 08-09-2022 Heard learned counsel for the parties.

The petitioners apprehend their arrest in a case registered for the offence under Sections 341, 323, 498A, 354,504/34 of the Indian Penal Code.

As per the prosecution case, after the death of the husband of the informant, petitioners alongwith other co-accused persons used to commit torture and assault the informant and also ousted her from the matrimonial home. On 29.09.2018, petitioner no. 1, who is father-in-law of informant, and other co-accused abused the informant and disrobed her on account of which, she got injured. It is further alleged that previously also, petitioners tried to sell the land of the informant and ousted her from the matrimonial house.



It is submitted on behalf of petitioners that petitioner no. 1 is father-in-law and petitioner no. 2 is brother-in-law (Devar) of the informant and on account of dispute of ancestral property, this false and concocted case has been lodged only with a view to put pressure upon the informant. As a matter of fact, after the death of the husband of the informant in the year 2017, there was partition in the family and 1/3rd share of the ancestral property was given to the informant and when petitioner wanted to donate his share of land to his daughter, the informant started making nuisance. There is no allegation of demand of dowry and she also used to quarrel with petitioners, due to which, petitioner no. 2 instituted a case, vide Dumra P.S. Case No. 229 of 2017 and thereafter, wife of petitioner no. 1 also lodged a case, vide Durma P.S. Case No. 364 of 2020 against the informant and others.

However, learned counsel for the informant vehemently opposed the prayer for anticipatory bail and submitted that there is specific accusation against these petitioners. There is land dispute between the parties and parties are co-sharers.

Considering the same, the prayer for anticipatory bail of petitioners is allowed. Let the above named petitioners, in the



event of their arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned S.D.J.M. Sadar, Sitamarhi in connection with Dumra P.S. Case No. 385 of 2018, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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