

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24922 of 2022

Arising Out of PS. Case No.-85 Year-2021 Thana- MAHILA PS District- Buxar

1. ANISH DEVI @ ANISHA DEVI @ ANISHA MISHRA W/O AMIT MISHRA R/o village- Parsouda, P.S.- Shahpur, Karnamepur (O.P.), District- Bhojpur (Ara)
2. Usha Devi W/o Lakshman Mishra R/o village- Parsouda, P.S.- Shahpur, Karnamepur (O.P.), District- Bhojpur (Ara)

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mrs. Soni Shrivastava
		Mr.Nilesh Sinha
For the Opposite Party/s	:	Mr.Shailendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 23-06-2022 The present matter has been listed under the heading
“To Be Mentioned” on the basis of motion slip filed on behalf of
the petitioner.

Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioners and
learned A.P.P. for the State.

The petitioners seek bail in connection with Mahila
(Buxar) P.S. Case No. 85 of 2021 registered for the offences
punishable under Sections 376, 420, 504, 506/34 of the Indian
Penal Code and Section 3/4 of Dowry Prohibition Act.

Briefly stated fact of the prosecution case is that



one Kumari Kirti Ojha submitted written report alleging therein that her friend Anisha Mishra who is petitioner no. 1 told the informant/victim that her brother-in-law (co-accused Ranjeet Kumar) got job in R.P.F. and petitioner no. 1 will get her married with him and in this way informant/victim as well as co-accused Ranjeet Kumar started talking and became intimate to each other. It is further alleged that on the pretext of marriage co-accused Ranjeet Kumar made physical relation with the informant/victim. It is further alleged that co-accused Ranjeet Kumar instructed that marriage negotiation would be done by his family members and it is further alleged that co-accused Laxman Mishra and petitioner no. 2 Usha Devi demanded rupees fifteen lacs cash to arrange the marriage. Lastly, marriage proposal was refused.

Learned counsel of the petitioners has submitted supplementary affidavit mentioning therein that petitioner no. 1 has been taken into custody along with her two year old daughter and both petitioners no. 1 and 2 are ladies. Petitioners are in custody since 30.03.2022 and bear no criminal antecedent. There is specific allegation against the co-accused Ranjeet Kumar Mishra and petitioner no. 1 has just given the proposal of marriage and nothing else. The allegation against



petitioner no. 2 is not specific and there is general and omnibus allegation against her. Charge sheet has been submitted in the case and there is no likelihood of tampering the evidence. It has been submitted that informant/victim as well as co-accused Ranjeet Kumar Mishra both are adults and they are in a position to decide what is good and what is bad for them.

The learned A.P.P. for the State opposes the prayer for bail of the petitioners.

Considering the fact that the petitioners being lady so far as the nature of allegation is concerned, period of custody, charge sheet has been submitted and keeping in view clean antecedent of petitioners and also taking into consideration the material available on record, let the petitioners above named be released on bail 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, Buxar in connection with Mahila (Buxar) P.S. Case No. 85 of 2021, subject to following conditions:-

(i) One of the bailor shall be either father or mother or sister or brother or wife or the person who sworn the affidavit in bail application.

(ii) Petitioners will co-operate in trial and will



remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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