

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36567 of 2021**

Arising Out of PS. Case No.-13 Year-2021 Thana- RAGHUNATHPUR District- Siwan

1. Prabhu Nath Singh S/o Rameshwar Singh R/o Village-Kajrasai, P.S. Raghunathpur, District-Siwan
2. Gita Devi @ Geeta Singh W/o Prabhu Nath Singh R/o Village-Kajrasai, P.S. Raghunathpur, District-Siwan
3. Vinod Kumar Singh @ Vinod Singh S/o Prabhu Nath Singh R/o Village-Kajrasai, P.S. Raghunathpur, District-Siwan
4. Satish Singh S/o Sri Sanjeet Singh R/o Village-Titra Bangra, P.S-Mairwa, District-Siwan.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Bimalesh Kumar
For the Opposite Party/s : Mr. Gajendra Kumar Singh

**CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA
ORAL ORDER**

3 10-02-2022 Heard both the parties through video conferencing.

The petitioners seek bail in anticipation of their arrest in connection with Raghunathpur P.S. Case No.13 of 2021 instituted for the offences under Sections 498(A)/420/34 of the Indian Penal Code.

The petitioners before this court are father-in-law, mother-in-law and brother-in-law of the wife and brother-in-law of the deceased husband.

Learned counsel for the petitioners submits that she was ill treated and not informed about the ill health of her husband and the fact that he had suffered kidney failure and the



kidneys were donated to her mother, who is petitioner no.2 in the present case. Learned counsel submits that the F.I.R has been lodged after the death of her husband and son of the petitioner no.1 and 2. The petitioners have not committed any fraud and no case under section 498A IPC is made out.

Counsel appearing for the wife submits that the wife has been ill treated after the death of her husband. It is also a case where they were not informed about the ill health of the deceased husband and fraud has been committed upon the wife of the deceased.

I have considered the submission.

While the wife has other legal remedies available claiming her share and she has not moved any application for declaring her marriage as void during the lifetime of her husband, prima facie the allegation as against the petitioners cannot be said to be made out, I am inclined to grant benefit of anticipatory bail to the petitioners and in the event of arrest, they shall be released on bail subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Sanjeev Prakash Sharma, J)

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