

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38453 of 2021

Arising Out of PS. Case No.-322 Year-2019 Thana- AKBARPUR District- Nawada

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1. SAVITRI DEVI W/O MANU SINGH R/O VILLAGE-PANCHRUKHI, P.S-AKBARPUR, DISTRICT-NAWADA.
 2. MADAN SINGH S/O MANU SINGH R/O VILLAGE-PANCHRUKHI, P.S-AKBARPUR, DISTRICT-NAWADA.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Dolly Devi w/o Madam Singh Village Pachrukhi P.S Akabarpur District Nawada.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Man Mohan Kumar, Advocate
For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

7 19-09-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 498(A) and 34 of the Indian Penal Code and Section 3 and 4 of Dowry Prohibition Act.

Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and petitioner no. 1 is the mother-in-law and petitioner no. 2 is the husband of the informant. It is next submitted that the informant alleges that she was married to the petitioner no. 2 and after marriage



accused persons, including the petitioners, started demanding a car and a mobile, on 17.05.2019 the petitioner no. 1 assaulted her 2-month-old daughter leading to her death, thereafter on 25.05.2019 when the said information was given to the family members of the informant then her brother and mother came to her matrimonial home, when they were assaulted by the accused persons, including the petitioner no. 2, causing injury and it was only on the intervention of the villagers that their life was saved.

Learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case, it is further submitted that informant gave birth to a twin and one of the child died during the course of treatment and the informant took the same as an opportunity to falsely implicate, the petitioner no. 1 alleging that she assaulted the child leading to her death, it is next submitted that it absolutely defies all logic, wisdom and reasonable human behaviour that the grand-mother would kill her own 2-month-old grand-daughter, it is further submitted that from perusal of the case diary, it would manifest that during the course of investigation also this fact has come that the child died on account of illness.

Considering the submissions made by the learned counsel for the petitioners, the informant was permitted to be



added as Opposite Party No. 2 and notices were issued, from the office note dated 23.08.2022 it manifests that the notices returned unserved. The matter was taken up again on 29.08.2022 when the learned counsel for the petitioners submitted based on instruction that the Opposite Party No. 2 has already performed her second marriage and thus she is not residing at the place where the notices were sent. Accordingly, time was sought for obtaining the present address of the Opposite Party No. 2.

The learned counsel for the petitioners today files a supplementary affidavit on behalf of the petitioners stating therein on affidavit that the Opposite Party No. 2 has performed her second marriage with Gautam Singh son of Binda Singh Village-Birna, Barka Fatehpur, P.S.-Wazirganj, District-Gaya, it is next submitted that since the Opposite Party No. 2 has already performed her second marriage as such the notices were returned unserved.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned trial court



within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Akbarpur P.S. Case No. 322 of 2019 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Further, in the event, if the Opposite Party No. 2 at any stage of the case files an application seeking cancellation of the bail bonds of the petitioners on the ground that the Court was mislead for the purposes of obtaining anticipatory bail, the learned trial court shall cancel the bail bonds of the petitioners by a reasoned order, after hearing the parties.

(Satyavrat Verma, J)

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