

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32224 of 2022

Arising Out of PS. Case No.-49 Year-2021 Thana- MAHILA P.S. District- Lakhisarai

MUNNI DEVI W/o Sudhir Singh Resident of Village- Rampur, P.S.-
Jamalpur, District- Munger (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Dr. Anjani Pd. Singh, Advocate
For the Opposite Party/s	:	Mr.Upendra Kumar, APP
For the Informant	:	Mr.Jai Prakash Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 10-08-2022 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

The petitioner apprehends her arrest in a case registered for the offences punishable under Sections 341, 323, 379, 498(A), 504, 506 and 34 of the Indian Penal Code read with Sections 3/4 of the Dowry Prohibition Act.

The informant alleges that she was married to Shashi Ranjan Singh on 11.12.2020 and at the time of marriage, her parents gave gifts worth Rs. 19 lakhs along with gold, silver ornaments and bullet motorcycle apart from other articles as detailed in the F.I.R., it is next alleged that after marriage, the accused persons, including the petitioner, started demanding a Tata Safari and non-fulfillment of demand led to torture and the



accused persons also planned to kill her further the petitioner used to make the informant starve and even used to confine her in house.

Learned counsel for the petitioner submits that the petitioner is the mother-in-law of the informant having clean antecedent and has been falsely implicated in the present case, it is next submitted that the petitioner vehemently denies that she committed any torture or participated in any demand rather the petitioner is living separately from her son since long as has been specifically pleaded at paragraph '10' of the anticipatory bail application. Learned counsel further submits that the petitioner was availing her remedies available in law and had approached the learned District Court in the month of April, 2022 for seeking anticipatory bail when she came to know that the present F.I.R. has been instituted, it is next submitted that her anticipatory bail application was rejected on 20.04.2022 and thereafter she moved this Court and in the meantime process under Section 82 Cr.P.C. has been issued against the petitioner on 05.07.2022 i.e., between the period when her bail was rejected by learned District Court and before she could approach this Court. Learned counsel for the petitioner relies on an order dated 04.07.2022 in Cr. Misc. No. 38750 of 2021 (Santosh



Yadav vs The State of Bihar) to submit that since petitioner was availing her remedy available in law prior to issuance of process under Section 82 as such mere issuance of process under Section 82 should not be a bar for considering her anticipatory bail application, it is further submitted that though the Hon'ble Supreme Court in various judgments has held that an accused loses his entitlement for anticipatory bail after issuance of process under Section 82 Cr.P.C. but the Hon'ble Supreme Court has not held that mere issuance of process under Section 82 Cr.P.C. bars the maintainability of an anticipatory bail application and thus submits that he completely relies on the order dated 04.07.2022 in Cr. Misc. No. 38750 of 2021.

Learned A.P.P. for the State and the learned counsel for the informant oppose the prayer for anticipatory bail of the petitioner but are not in a position to rebut the submission of the learned counsel for the petitioner that mere issuance of process under Section 82 Cr.P.C. does not bar maintainability of an anticipatory bail application on merit.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of her arrest or surrender before the learned Court below within a period of six weeks from today, be released on



anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Lakhisarai Mahila P.S. Case No. 49 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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