

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37688 of 2022

Arising Out of PS. Case No.-39 Year-2022 Thana- BIRAUL District- Darbhanga

1. KHUSHBU KUMARI Wife of Late Kumar Saurabh Kumar, Daughter of Sri Anil Choudhary Resident of village Dumri, P.s.- Biraul, District- Darbhanga
2. Laddu Paswan Son of Late Buchai Paswan Resident of village Harauli, P.S.- Kusheshwar Asthan, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. A.K. Thakur
		Mrs. Vaishnavi Singh
For the Opposite Party/s	:	Mr. Rana Randhir Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 22-11-2022 Heard the parties.

Learned counsel for the petitioners is directed to remove the defects within four weeks.

The petitioners apprehend their arrest in a case registered for the offence punishable under section 504, 341, 323, 506, 306/34 of IPC.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. There is no specific overt act



against the petitioners. He submits that occurrence took place on 25.01.2022 and the F.I.R. was lodged on 05.02.2022 i.e. after a delay of 10 days, without giving any plausible explanation regarding the delay. The Fardbeyan was recorded on 01.02.2022 i.e. after a delay of six days. The fardbeyan was forward to S.H.O. Biraul Police Station who on that basis drew up a formal first information report and registered this case for the alleged offence u/s 504, 341, 323, 506, 306/34 of the IPC. He further submits that the son of the informant allegedly consumed poison on 25.01.2022 and he allegedly died on 31.01.2022 and after his death the present fardbeyan was allegedly recorded and it is strange that when the son of the informant was alive for such a long period no fardbeyan was recorded. He further submits that the present informant and his family members had earlier tortured the petitioner no.1 for demand of dowry and also have tried to kill her. He stated that the deceased had also filed for a divorce suit in which the petitioner no.1 was made opposite party. He also stated that the petitioner no.1 is residing in her paternal house since the year 2016. Petitioners have no criminal antecedent.

Learned APP for the State opposed the prayer for anticipatory bail.



Having regard to the facts and circumstances of the case, let the above named petitioners be released on bail, in the event of their arrest or surrender before the learned court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) **each** with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in Biraul P.S. Case No.39 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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