

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58323 of 2022

Arising Out of PS. Case No.-353 Year-2021 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

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1. ANJU DEVI @ ANULA DEVI Wife of Late Tarni Prasad Sah R/V-
Thumha, P.S- Pipara, Dist- Supaul
 2. Prabhat Kumar Son of Late Tarni Prasad Sah R/V- Thumha, P.S- Pipara,
Dist- Supaul

... .. Petitioner/s

Versus

1. The State of Bihar
2. Priyanka Kumari D/o Shyam Sundar Sah R/V- Bihat Bazar, P.S- Barauni,
Dist- Begusarai

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rananjay Kumar with Mr. K.B Bosiar, Advocate
For the Opposite Party/s :		Mr. Nitya Nand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-11-2022 Heard learned counsel for the petitioners, learned
counsel for the complainant and learned Additional Public
Prosecutor for the State.

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

The petitioners are apprehending their arrest in a case
registered for the offences punishable under Sections 498(A),
323, 342, 379, 406, 504, 506/34 of the I.P.C. and 3/4 of the
Dowry Prohibition Act.

Allegation against the petitioner No. 1 is that she
assaulted, abused and taunted the complainant for getting less



dowry and she kept all ornaments and cloths of the complainant further the petitioners along with other Co-accused persons demanded Rs. 2 lacs and one motorcycle otherwise, another marriage of her husband would be solemnized further petitioner No. 1 and others use to throw the boiled water over the body of the complainant and burn her with hot utensils. Further the petitioners assaulted the complainant with fists and legs and threaten to be killed due to non-fulfillment of said demand. Petitioner No. 2 used to misbehave with the complainant and tried to make illicit relation with her. Further the petitioner taunted the complainant physically due to non-fulfillment of demand of dowry.

Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that in fact petitioner no.1 is mother-in-law and petitioner no. 2 is brother-in-law of the complainant. He further submits that the allegation as alleged in the complaint petition is false and fabricated and there is no specific allegation of assault or overt-act against the petitioners and there is general and omnibus allegation and in fact the complainant lived in in-laws' house till 15.10.2019 and the present complaint petition has been filed on 25.02.2021 and



allegation between 15.12.2019 to 25.02.2021 is false and fabricated. The husband of the complainant has filed a petition under Section 9 of the Hindu Marriage Act before the learned Principle Judge Family Court, Supaul for restitution of conjugal rights.

The learned counsel for the complainant on the other hand has vehemently opposed the prayer for anticipatory bail of the petitioners and submits that the specific allegation of demand of dowry against the petitioners and specific allegation of assault is against petitioner no. 2.

Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of their arrest or surrender within a period of four weeks, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Complaint Case 353C 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:-

1. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and



on his absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. 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.

3. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any state it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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