

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58615 of 2022

Arising Out of PS. Case No.-973 Year-2019 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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1. KAVITA DEVI W/o Narendra Thakur R/V- Mathiya, P.S.- Lauriya, Distt- West Champaran.
 2. NARENDRA THAKUR S/O Late Daroga Thakur R/V- Mathiya, P.S.- Lauriya, Distt- West Champaran.
 3. RAJU THAKUR @ RAJIV KUMAR RANJAN S/O Narendra Thakur R/V- Mathiya, P.S.- Lauriya, Distt- West Champaran.
 4. RITU RANJAN @ NIKHIL THAKUR S/O Narendra Thakur R/V- Mathiya, P.S.- Lauriya, Distt- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Amita Kumari W/o Gunjan Thakur D/o Bharat Kumar. R/V- Gawandra, Tola Dharmpur, P.S.- Chakia, Distt- East Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Advocate
For the Opposite Party/s : Md. Iftekhar Mahmood, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 12-12-2022 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 498(A), 354(B), 323 and 34 of the Indian Penal Code read with Section 3 and 4 of the Dowry Prohibition Act.

Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and the complainant alleges that she was married to Gunjan on



28.04.2017, further she is beautiful thus her father-in-law and brother-in-law molested her and intended to establish physical relation, further a girl child was born out of the wedlock, thereafter it is alleged that the accused persons started demanding four-wheeler and Rs. 2 lakh, it is next alleged that petitioner no.3 had killed his wife and performed second marriage, further for non-fulfillment of demand of dowry she was tortured and accused sprinkled kerosene oil and tried to set ablaze but on alarm neighbours came, thereafter she was ousted from her matrimonial home.

Learned counsel for the petitioners submits that the petitioner have been falsely implicated in the present case, it is next submitted that it absolutely does not stand to reason that the father-in-law and brother-in-law would have molested the complainant, it is next submitted that whenever any dispute arises between the husband and the wife the entire family members are implicated, it is next submitted that it absolutely defies all logic and wisdom that if so many accused intended to set her ablaze then it would not have been possible for the complainant to flee from the place of occurrence. The learned counsel for the petitioner further submits that even husband is availing his remedies available in law and has filed his



anticipatory bail application, it is next submitted that petitioner no.1 is mother-in-law, petitioner no.2 is father-in-law and petitioner nos. 3 and 4 are brother-in-law. The learned counsel for the petitioners next submits that petitioners will never evade the law rather will co-operate in the investigation and will present themselves to the Investigating Officer as and when required.

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 Complainant Case P.S. Case No. 973 of 2019 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Further, in the event, if the Investigating Officer of the case files an application before the learned trial court bringing to its notice that the petitioner despite giving assurance to this



Court that he will co-operate in the investigation and will present himself as and when called for, is not co-operating in the investigation, nor is appearing when required before him, then the learned trial court after giving an opportunity of hearing to the petitioner shall pass orders in accordance with law and shall also have the liberty to cancel the bail bonds of the petitioner.

The learned trial court is directed to send a copy of this order to the concerned Police Station.

(Satyavrat Verma, J)

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