

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.810 of 2022**

Arising Out of PS. Case No.-4 Year-2021 Thana- UCHKAGAON District- Gopalganj

1. MAYA DEVI W/o Anil Ji Barnwal Resident of Village - Mathauli, Ward No.18, P.O. and P.S.- Kasya, Distt.- Kushinagar (U.P.)
2. Anil Ji Barnwal @ Anil Kumar Son of late Bibhuti Prasad Barnwal Resident of Village - Mathauli Ward no.18, P.O. and P.s.- Kasya, Distt.- Kushinagar (U.P.)

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr.Awnish Kumar, Advocate  
For the Opposite Party/s : Mr.Nagendra Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

2      04-02-2022                      Due to the third wave of COVID-19 Pandemic, the matter is being taken up by way of Virtual Court proceeding.

The matter has been listed under the heading ‘For Orders’ under the orders of Hon’ble the Chief Justice.

Heard learned counsel for the petitioners and learned APP for the State through virtual mode.

Learned counsel for the petitioners is directed to remove the defects, as pointed out by the Office, within a period of four weeks after restoration of normalcy.

The petitioners are apprehending their arrest in a case registered under Sections 341, 323, 313, 498A and 34 of the Indian Penal Code and 3 and 4 of D.P. Act.



Allegation against the petitioners is of committing torture upon the victim due to non-fulfilment of demand of dowry.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The petitioners are mother-in-law and father-in-law, of the victim. They have falsely been implicated in the present case due to petty family dispute. They are separate in mess and property from the husband of the victim. They have got no concern with the alleged occurrence. No allegation of Section 313 I.P.C. is alleged against the petitioners. Except for offence under Section 313 I.P.C., rest of the offences are triable by the Magistrate. The petitioners have relied upon the judgment of this Court in the case of *Md. Naimul Haque Ansari @ Naimul Haque Ansari & Ors. Vs. The State of Bihar, reported in 2006(3) PLJR 182.*

On behalf of the State, it is submitted that the petitioners are named in the F.I.R.

It is necessary to indicate here that this Court while considering the prayer made in the present anticipatory bail application has taken note of the exponential rise in number of



covid cases due to outbreak of third wave of Covid-19 pandemic. Further this Court can also not lose sight of the fact that the condition of jails is not conducive and suitable to the present situation which has arisen due to the sudden rise in covid cases.

Considering the aforesaid facts and circumstances, the petitioners, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on their personal bonds to the satisfaction of learned A.C.J.M.- IX, Gopalganj in connection with Uchakagaon P.S. Case No. 04 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioners shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each within a period of eight weeks to the satisfaction of the Court concerned in connection with the aforesaid case.

The petitioners are directed to co-operate during the trial. If the petitioners do not co-operate during the trial, the Court below will be at liberty to cancel the bail bonds of the petitioners.



If so advised, either of the parties will be at liberty to make an application before the Court below for referring the matter to the District Mediation Centre for the purpose of reconciliation or one time settlement.

**(Sudhir Singh, J)**

Pankaj/-

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