

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18116 of 2023

Arising Out of PS. Case No.-41 Year-2022 Thana- MAHILA PS District- Jehanabad

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1. Mantu Sharma @ Mantu Kumar Sharma S/O Shri Prabhu Dayal Sharma
 2. Prabhu Dayal Sharma S/O Late Bhuneshwar Singh
 3. Baby Devi W/O Prabhu Dayal Sharma
 4. Priyanka Devi W/O Mantu Sharma
All Resident Of Village- Pasaurha, P.S- Sigori, Distt.- Patna.
- Petitioner/s
- Versus
- The State of Bihar
- Opposite Party/s
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Appearance :

For the Petitioner/s : Mr.Shailendra Kumar, Advocate
For the Opposite Party/s : Mr.Satyendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 25-05-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners apprehend their arrest in connection with Mahila P.S. Case No.41 of 2022 instituted under Sections 498(A), 504, 379/34 of the IPC and 3/4 of Dowry Prohibition Act lodged on 25.11.2022 by the informant Archna Kumari @ Simmi Kumari.

As per the prosecution story, informant was married with the petitioner Mritunjay Kumar on 06-05- 2013 as per Hindu rites and custom and after the marriage, she went to her in laws house where she lived peacefully for a week. Later the petitioners besides co-accused persons started harassing and torturing. She was finally ousted on 03-09-2022 from her



marital home on the pretext of treatment by leaving at Shakurabad Market. They also kept all her stree-dhan property. Accordingly, the FIR.

Learned counsel for the petitioners submit that petitioners are father-in-law, mother-in-law, the brother-in-law and sister-in-law and have no criminal antecedent. They have nothing to do with the alleged marital discord of the couple.

Learned APP on the other hand opposes the prayer for anticipatory bail.

Taking into account the aforesaid fact that they are family members of the accused Mritunjay Kumar who was supposed to protect the lady and in the aforesaid background, this Court is inclined to grant them privilege of anticipatory bail to the four petitioners herein.

Let the petitioners be released on bail, in the event of their arrest or surrender before the Sub-ordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each in connection with Mahila P.S. Case No.41 of 2022 to the satisfaction of learned S.D.J.M., Jehanabad, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with further conditions that:



(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners will make themselves available to the police as and when required in course of investigation;

(iii) the petitioners shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial court itself;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Prakash Narayan /
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