

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19959 of 2023

Arising Out of PS. Case No.-634 Year-2022 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

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1. Jagtaran Devi Wife of Ramchandra Ram R/V- Pathrahi, PS- Ladaniya, Dist- Madhubani
 2. Ramchandra Ram son of Baldev Ram @ Badev Ram R/V- Pathrahi, PS- Ladaniya, Dist- Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar
2. Manisha Kumari Wife of Jaibeer Kumar Bharti At present Manisha Kumari daughter of Pavitra Ram, R/V- Mahua, Ekdara, P.S- Khajauli, Dist- Madhubani

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav, Adv.

Mr. Ravi Prakash, Adv.

For the Opposite Party/s : Mr. Parmanand Prasad, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 15-06-2023 Heard Mr. Gagan Deo Yadav, learned counsel appearing on behalf of the petitioners and Mr. Parmanand Prasad, learned Additional Public Prosecutor for the State.

The petitioners are mother-in-law and father-in-law of the opposite party no. 2 who are apprehending their arrest in connection with Complaint Case No. 634 of 2022 wherein the learned Court has taken cognizance for the offences under Sections 323/498(A)/34 of the Indian Penal Code.

It is alleged that the marriage of the opposite party no. 2 was solemnised with the son of the petitioners in the year 2016 and out of the said wedlock one girl child was also born.



Further allegation has been made that soon after the marriage the accused persons started demanding dowry and on non-fulfillment of the same she was subjected to torture and harassment at the hands of the petitioners and other family members. Specific allegation has been levelled that both the petitioners tried to kill the opposite party no. 2 by sprinkling kerosene oil, however, on *hulla* being raised the neighbourhood people came there and she anyhow saved herself.

Learned counsel appearing on behalf of the petitioners submitted that in fact no such occurrence has taken place and the entire case is false and concocted. He further submits that prior to the institution of this case the son of the petitioners had filed Matrimonial Case No. 35 of 2022 on 05.03.2022 for restitution of his conjugal right and knowing the institution of this case, the present complaint case has been filed on 14.07.2022 after a lapse of more than four months. He further submits that despite service of notice the opposite party no. 2 not chosen to appear in the matrimonial case and in order to pressurize, this present complaint case has been filed. He next submitted that both the petitioners are separate in mess and business from the opposite party no. 2 and they have never interfered in the affairs of the opposite party no. 2



and her husband.

On the other hand, learned counsel for the State opposed the bail application and submits that specific allegation of sprinkling of kerosene oil and lighting of the match has been levelled against the petitioners.

Regard being had to the submissions made on behalf of the parties and considering the fact that the son of the petitioner had already filed a matrimonial case for restitution of conjugal right prior to the institution of the complaint case and the petitioners are mother-in-law and father-in-law of the opposite party no. 2 having fair antecedent, let the petitioners abovenamed be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Madhubani in connection with Complaint Case No. 634 of 2022, subject to the conditions laid down in Section 438(2) Cr.P.C.

(Harish Kumar, J)

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