

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19671 of 2023

Arising Out of PS. Case No.-18 Year-2022 Thana- MAHILA P.S. District- Sheohar

1. Sunita Mishra @ Sunita Pathak Wife Of Vinay Pathak @ Vinay Kumar Pathak Resident Of Nai Basti Balia, P.S. - Kotwali, Distt. - Balia (U.P.)
2. Vinay Pathak @ Vinay Kumar Pathak Son Of Balram Pathak Resident Of - Nai Basti Balia, P.S. - Kotwali, Distt. - Ballia (U.P.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Harish Kumar, Advocate.

For the Opposite Party/s : Mr. Rajendra Singh, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 14-06-2023 Heard Mr. Harish Kumar, learned counsel for the petitioners and learned APP for the State.

The Petitioners are apprehending their arrest in connection with Sheohar Mahila P.S. Case No.18 of 2022, registered for the offences punishable under Sections 341, 323, 313, 498(A), 34 of the Indian Penal Code.

It is alleged that the marriage of the informant was solemnized with Dr. Krishna Kumar Singh on 31.05.2004, but after the marriage the husband of the informant established illicit relationship with the petitioner no.1 and both the petitioners started instigating the husband of the informant due to which she was subjected to torture and harassment by various



means. It is also alleged that the husband of the informant tried to kill her on various occasion on the instigation of these two petitioners.

Learned counsel appearing on behalf of the petitioners submits that from the FIR, it is evident that the petitioners are in no way related to the husband of the informant and as such no offence punishable under Section 498(A) is made out against them. He further submits that save and except the allegation of instigation there is nothing which suggests the complicity of the petitioners in the present crime; in as much as the marriage was solemnized way back in the years 2004 itself and after 18 years this case has been instituted. He next submits that both the petitioners are persons of reputation carrying fair antecedent and undertake that they will fully cooperate in the investigation and will not indulge in intimidating the witnesses or tempering the evidence.

On the other hand learned APP for the State vehemently opposes the bail application.

Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioners are not the relatives of the husband of the informant, apart from the fact that there is no specific allegation, save and except instigation,



let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand only) each with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Sheohar in connection with Sheohar Mahila P.S. Case No.18 of 2022, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Harish Kumar, J)

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