

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35646 of 2023

Arising Out of PS. Case No.-396 Year-2021 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

1. Prithivi Kumar Yadav @ Prithvi Yadav @ Prithivi Kumar, S/O Late Dhiro Yadav, R/O Village-Bhagalpura (Bansipur) Kahalgaon, P.S.-Kahalgaon, Dist.-Bhagalpur, at present Quarter B Type, N.T.P.C., P.S. Kahalgaon, Dist. Bhagalpur.
2. Pramila Devi @ Pramla Devi @ Parmila Devi, W/O Prithivi Kumar Yadav @ Prithvi Yadav @ Prithivi Kumar, R/O Village-Bhagalpura (Bansipur) Kahalgaon, P.S.-Kahalgaon, Dist.-Bhagalpur, at present Quarter B Type, N.T.P.C., P.S. Kahalgaon, Dist. Bhagalpur.
3. Gautam Kumar Yadav @ Gautam Yadav, S/O Prithivi Kumar Yadav @ Prithvi Yadav @ Prithivi Kumar, R/O Village-Bhagalpura (Bansipur) Kahalgaon, P.S.-Kahalgaon, Dist.-Bhagalpur.
4. Laxmi Devi, W/O Rakesh Kumar @ Rakesh Yadav, R/O present address of Nurimazid, Durga Park, Palam Village, P.S. Palam, Dist. South West Delhi. Permanent R/O Village & P.O. and P.S. Akbarnagar, Dist. Bhagalpur.
5. Rakesh Kumar @ Rakesh Yadav, S/O Lattu Prasad Yadav, R/O present address of Nurimazid, Durga Park, Palam Village, P.S. Palam, Dist. South West Delhi. Permanent R/O Village & P.O. and P.S. Akbarnagar, Dist. Bhagalpur.
6. Gama Yadav @ Gameshwar Prasad Yadav, S/O Ishwar Prasad Yadav, R/O R.P.F. Howrah, Lilwa, P.S. Howrah, District-Howrah (West Bengal).
7. Bindu Devi @ Bindu Yadav, W/O Gama Yadav @ Gameshwar Yadav, R/O R.P.F. Howrah, Lilwa, P.S. Howrah, District-Howrah (West Bengal).

... .. Petitioners

Versus

1. The State Of Bihar.
2. Sarita Kumari, W/O Purushottam Kumar Yadav, D/O Mahendra Prasad Yadav, R/O N.H. 31, Naugachia, In front of Satyam Hotel, P.S.-Naugachia, Dist.-Bhagalpur.

... .. Opposite Parties

Appearance :

For the Petitioners	:	Mr. Praveen Kumar, Advocate.
For the O.P. No. 2	:	Mr. Rajesh Kumar, Advocate
For the State	:	Mr. Shyam Bihari Singh, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 07-07-2023 Learned counsel for the petitioners seeks permission
to withdraw the anticipatory bail application filed on behalf of



petitioner no. 1 namely, Prithivi Kumar Yadav @ Prithvi Yadav @ Prithivi Kumar as he has been taken into judicial custody in connection with Complaint Case No. 396 of 2021, pending in the court of learned S.D.J.M., Naugachia, Bhagalpur.

Permission is accorded.

Accordingly, the anticipatory bail application filed on behalf of petitioner no. 1 namely, Prithivi Kumar Yadav @ Prithvi Yadav @ Prithivi Kumar is dismissed as withdrawn.

Further, learned counsel for the petitioners is permitted to make necessary correction in the address of petitioner nos. 6 and 7 of the present bail application, in course of the day.

Heard learned counsel for the petitioner nos. 2 to 7, learned counsel for the opposite party no. 2 and learned A.P.P. for the State.

The petitioner nos. 2 to 7 are apprehending their arrest in a case for the offence registered under Sections 498(A), 323, 504, 506 & 34 of the I.P.C. and $\frac{3}{4}$ of the Dowry Prohibition Act.

Allegation against the petitioner nos. 2 to 7 is of committing torture upon the victim due to non-fulfilment of demand of dowry.

It has been submitted by learned counsel for the



petitioner nos. 2 to 7 that they have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against them. They have falsely been implicated in the present case due to petty family dispute. The petitioner no. 2 is the mother-in-law, petitioner no. 3 is the brother-in-law (Dewar), petitioner no. 4 is the sister-in-law (Nanad), petitioner nos. 5 and 6 are the Nandosi and petitioner no. 7 is the sister-in-law (Nanad) of the victim. The case is triable by the Magistrate. The petitioners have further 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 learned counsels for the State and opposite party no. 2, it has been submitted that the petitioner nos. 2 to 7 are named in the F.I.R/ complaint case.

Considering the aforesaid facts and circumstances, let the petitioner nos. 2 to 7, above named (except petitioner no. 1 namely, Prithivi Kumar Yadav @ Prithvi Yadav @ Prithivi Kumar), in the event of arrest or surrender before the learned court below within a period of twelve 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 learned S.D.J.M., Naugachia, Bhagalpur, in connection with Complaint Case No. 396 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

The petitioner nos. 2 to 7 are directed to co-operate during the trial. If they do not co-operate during the trial, the court below will be at liberty to cancel their bail bonds.

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. In case, any such application is made by either of the parties, the court below shall refer the matter to the District Mediation Centre.

(Sudhir Singh, J)

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